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Records of  
The County of Banff

1660-1760

ONE HUNDRED YEARS OF  
COUNTY GOVERNMENT

COMPILED BY THE LATE  
JAMES GRANT, LL.B.  
COUNTY CLERK

With an Introduction by  
ALISTAIR and HENRIETTA TAYLER

Aberdeen  
Printed for the University

1922



Aberdeen University

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Records  
of the  
County of Banff

# University of Aberdeen.

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TO THE  
MEMBERS OF THE  
COUNCIL OF THE  
ROYAL SOCIETY OF  
EDINBURGH

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PRINTED BY  
MILNE AND HUTCHISON  
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*Reconstituted as The New Spalding Club 11th November, 1886.*

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## INTRODUCTION.

IN introducing this book to the Members of the New Spalding Club, some account must be given of how it came to be written, and of the sources from which the materials were drawn. The late Mr. James Grant, LL.B., the well-known antiquary, undertook to compile this work for the Club, and started on his labours before the outbreak of the great War. He had, of course, from his official position as County Clerk of Banff, unrivalled opportunities of studying all the necessary archives, and the chief source from which he derived the information contained in Chapter I. was the Minute Book of the meetings of the Barons and Freeholders of the Sherifffdom of Banff, which begins on April 15, 1664, and ends on April 10, 1722. This fact accounts for the apparently abrupt termination of Chapter I., which would otherwise, in accordance with the plan of the book, have embraced the period down to 1760. It should be noted here that the Barons or Freeholders of the shire had to attend the Head Court in Banff to "give suite and presence to the King," as represented by the Sheriff Principal or his depute. The office of Sheriff was borrowed from English usage by the early Scottish Kings; in England this official has ceased to have much political power, but in Scotland, in the period under consideration, he held almost undisputed sway as the King's Representative, and when the office tended to become hereditary, this power was, of course, consolidated.

In Cromarty, for instance, the family of Urquhart long enjoyed the position, but in Banffshire no family had a complete monopoly.

From 1668 onwards, the Minute Book gives details of the procedure, when the Barons and Freeholders elected two Commissioners to represent the County in the Scots Parliament. Unlike their successors at the present day, these Commissioners gave their services gratuitously (p. 24), and the expense of the journey from the north to Edinburgh must have been, even to a rich man, considerable; while the discomforts incident to such a journey are emphasised by the fact that travelling in a farm cart, with a feather bed laid in it, for two stages, was considered luxurious (p. 125).

It may be as well to state that the word "Baron" is a Scots term applied to a freeholder whose lands had been erected into a free barony, within which the baron or owner exercised civil and criminal jurisdiction. Those who absented themselves from the Head Courts were fined for non-attendance (p. 65).

For Chapter II., dealing with Commissioners of Supply and Justices of the Peace from 1661 to 1718, there were the old land valuations to be consulted. The origin of Land valuations is very ancient and somewhat obscure, but for taxation purposes it may be said that one of the oldest was made in the reign of Alexander III. in the thirteenth century, and in 1474 Parliament enacted that the retours should state not only the extent, as formerly, but the actual value of the land. This law, however, was not systematically observed, and in 1643 the Convention of Estates appointed Commissioners of Supply from various counties, and directed them "to use all legall ways to informe themselves of the just and trew worth of every personne or personnes, their present



yeare's rent of this crope and yeir 1643 to landward as weill of lands and teinds as of any uther thing whereby yeirlie proffeit and commoditie aryseth" (p. 142). Thus a new valuation of the land of Scotland according to rental was obtained, and Chapter II. shews its varied increase and changes. Much material was also obtained from the books of Sasines in the Court House of Banff.

The Commissioners of Supply were appointed or excluded strictly in accordance with their political opinions (p. 159). Their duties also included the fixing of the prices charged for raw and manufactured products, of wages, etc. (pp. 226, 241 and 246). Previous to the Civil War, land had been the only basis of taxation, but this was subsequently broadened, one early measure being the imposition of Excise duties, and after the Restoration, Commissioners for the various counties were appointed for ordering, regulating and collecting these dues.

The Poll Tax (Mr. Grant, in his heading to Chapter II. prefers the word "Pole") was originally started in 1667 as a measure of relief for heritors, and in 1693 the Convention Parliament imposed a graduated poll or pole tax on the inhabitants of Scotland, in order to clear off arrears due by the Crown to the country and to the Army prior to 1st February, 1691 (p. 201).

For Chapter III., on Road Administration, the information was derived from the Minute Book of the Commissioners of Supply and Justices of the Peace of the County, which begins 10th November, 1696; but the earliest reference bearing on road administration is an entry, of 25th May, 1710, and from 1718 to 1760 a verbatim narrative in some detail is furnished.

The last Chapter, dealing with Commissioners of Supply and Justices of the Peace from 1719 to 1760, was only completed down to 1750. Mr. Grant had completed a large portion of the book when he was forced to lay it aside for military duties. On being invalided out of the Army, he was able to resume his work, and had practically finished it at the date of his sudden death.

Mr. P. J. Anderson, of Aberdeen University, and Mr. Grant's brother, Mr. John Grant, of Dufftown, then approached the present editors, and asked them to prepare the book for publication. It was not considered advisable to add any new material; indeed, the book having been set up in type some years previously, no alterations or additions could well be made to it. In consequence, a few slight errors are to be found in the text of the work, and for this reason a somewhat large addenda and corrigenda has been provided, and no details appear as to the last ten years, which should have been treated in Chapter IV.

Before proceeding further, it will be proper to give some account of the compiler's life and other work.

Mr. James Grant was a native of Mortlach, Banffshire, being the third son of Mr. William Grant, of Glenfiddich and Balvenie Distilleries. He was one of seven brothers, five of whom became graduates of Aberdeen University—a somewhat remarkable family record.

James was born on 25th September, 1865, at Crachie, near Dufftown (now in the Burgh of Dufftown), and began his education at the Parish School of Mortlach; subsequently, going on to the Public School of Ythanwells, Aberdeenshire, where his studies were directed by his brother, Mr. John Grant. From the latter school he passed direct to Aberdeen

University, where one brother had preceded him and three others followed. He had a most successful career at the University, graduating in Arts in 1887, with second-class honours, having won the Seafield Latin medal and the Dr. Black Latin prize.

All his life he had the instincts of a scholar, and after taking his degree he turned his attention for some time to teaching, but he had too much ambition and restless energy to pursue for long the somewhat dull career of the "Dominie," so he proceeded to Edinburgh University and studied Law, taking the Degree of LL.B. with distinction in 1892. Had he gone to the Bar, he would, no doubt, have been very successful, for he had many of the qualities of the old Scots lawyer, a keen interest in history, a grasp of principles and a wealth of broad humour, such as would have delighted the wits of Parliament House. But the love of his native country, which was strong in him, made him turn homewards, and in the same year he began the practice of his profession as a solicitor in the town of Banff. So well equipped was he for this work that he soon established a remunerative and increasing business.

Subsequently, he assisted the late Mr. John Allen, Town Clerk of Banff, as his depute, and thus began the practical acquaintance with matters of local government which afterwards became his speciality. When the late Mr. Francis George succeeded Mr. Allen as Town Clerk, Mr. Grant entered the Town Council, and was for a time a Baillie of the Burgh. He was appointed Collector of County Rates and Clerk to the Banff District Committee; subsequently, on Mr. George's death, he became County Clerk and Treasurer, and in the following month Town Clerk of Banff. The selection of Mr. Grant for these positions was more than justified by the

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high standard of business efficiency which characterised the execution of any work he undertook. The interests of the town and the county were his pride and chief concern ; no effort was too great for him if its aim was to advance the welfare of his beloved Banffshire. He had a complete knowledge of the broad principles of administration, and, being anxious to get things done and not merely talked about, he was an uncompromising enemy of red tape and officialism. He took a lofty view of the importance of matters affecting local government, and was the tried and valued councillor of many local bodies. He constituted himself the champion of all local interests, and during his tenure of office initiated many valuable reforms and innovations.

Mr. Grant was, for a number of years, Chairman of the School Board of Banff, and, when he retired in 1917, the members of that body put on record their high sense of the value of the work that had been carried out by their late colleague. It might be thought that these activities would have been enough for any ordinary man, but Mr. Grant was ever ready to undertake further work, and as Town Clerk of Banff he was joint-clerk, with Colonel J. J. George, of the Duff House Trust, and took a most active part in the administration of the generous gift of the late Duke of Fife (*i.e.*, Duff House and about 140 acres), to the two towns of Banff and Macduff. He was Clerk and Treasurer of the Board of the Infectious Diseases Hospital, and Chairman of the Trustees of Chalmer's Hospital, also President of the Society of Solicitors of Banffshire, and Provincial Grand Master of Freemasons.

It must not be thought that his interests were entirely local ; the problem of National Defence profoundly moved him ; partly, perhaps, owing to the fact that his grandfather, Mr. William Grant, was one of the earliest recruits of the Gordon

Highlanders, and fought at Waterloo. Early in his career in Banff, James Grant joined the Artillery Volunteers, and although unfitted in many ways for the active life of a soldier, he entered into the hard work of drills and camps with boyish zest, and was keenly disappointed when the Battery was disbanded. Having been for many years an officer in the Volunteers, and a member of the Territorial Force Association, he, though well over age, patriotically offered his services at a very early stage of the outbreak of War in 1914. At first his offer was not accepted, and he threw himself with characteristic energy into the arduous work of recruiting, going up and down the country in all weathers. After ceaseless badgering of the War Office, he was granted a commission in the 15th Battalion of the Highland Light Infantry; this battalion, which he was largely responsible for raising, being composed of Bantams (*i.e.*, men below the normal standard in height). He joined his corps in Aldershot, and underwent a severe course of training; he was then sent to Brixham with the skeleton of another battalion, where he drilled the young subalterns with the utmost vigour. He sometimes found the work rather exacting, for he was now past fifty and had a weak heart, but he never gave in to fatigue or depression; nor ever, even in the darkest days of the War, lost faith in our ultimate victory over the Germans. Conditions of health prevented the realisation of his ambition to go to the Front, and he was much distressed at not being allowed to embark with his battalion, which, subsequently, suffered severely in France, nearly all the officers being killed. He did much admirable regimental work in this country, but after a spell at a Flying Station in the South of Scotland, and another at a Convalescent Camp in the North of Ireland, he was invalided out of the Army with the rank of Major, and returned to his work in



Banff. Once home again, he resumed the antiquarian labours he always loved, and almost completed the transcripts of civic documents forming the present volume.

Among the transactions of the Banffshire Field Club, of which he was treasurer for many years, may be found many interesting contributions from his pen, dealing with local history and matters of antiquarian interest. His literary work and researches among old papers occupied no inconsiderable part of a very busy life, and gave him unalloyed enjoyment. In 1912 he had edited an admirable volume of the "Seafield Correspondence, from 1685 to 1708," for the Scottish History Society; a second volume was in preparation but not sufficiently advanced for publication by his literary executors. He edited, for the Navy Record Society, a book of peculiar interest, and on a little known subject, "The Old Scots Navy from 1689 to 1710." He put a great deal of work into these books, making extensive researches in Edinburgh, at the Admiralty, the Public Record Office, and the British Museum. As a decipherer of ancient manuscripts, he could hold his own with any professional reader, and was always ready to help any fellow searcher with all the skill at his command. The present writers have to thank him for much valuable assistance in their own work in connection with the "Book of the Duffs." These undertakings, in addition to his arduous public life and his work as a solicitor, must have put a great strain upon him, for though he was always active, his constitution was not really robust, and his bodily strength was never fully equal to that of his tireless and unquenchable spirit. Intensely human, full of true Scots pride of race, expressing himself exactly as he felt at the moment, there were in him constant picturesque contradictions which puzzled those who were but superficially acquainted with him. If he had at times a tongue of fire, he

had also a heart of gold, and a never-failing sense of humour. He was a generous and most considerate host, and invariably anxious to help friends and acquaintances with advice or in some more practical manner.

Early in February, 1919, Major Grant caught a chill, which was followed by influenza; pneumonia quickly supervened, and he passed away on 14th February at his house in Castle Street, Banff, at the age of 53.

He married twice. First, in 1894, Harriet Ann McRobie. There was no issue. Secondly, in 1916, Anna Wood, who gave him one daughter, Margaret Ritchie, born in 1918. He was buried in the New Cemetery of Banff, and a handsome monument has been erected to his memory. Many will miss his genial personality, but chiefly will he be regretted in Banffshire, where he was best known, and where he accomplished so much work of a useful and varied kind.

The book covers a most interesting period of 100 years of Scottish history, namely, that from 1660 to 1760—interesting alike to the historian, the antiquary, and the general reader. The work had been sent by Major Grant, just before his death, to the present editors to read and criticise, and was still in their hands at that time. Consequently, they were more or less familiar with the contents, and gladly undertook to prepare a brief introduction. Major Grant has traced the history, and also the development, of the county of Banff and its administration. Many details are given of old families which were long prominent in the county, such as the Bairds of Auchmedden, the Lords Banff (Ogilvies), the Urquharts of Cromarty, the Abernethies of Mayen, the Sutherlands of Kinminity, the Hays of Rannas and Muldavit, the Dunbars of Durn, the Joass of Colleopard, and of others which are still

with us, such as the Grants of Grant and the Earls of Seafield, the Grants of Ballindalloch, the Duffs of Keithmore and Braco, now represented by the Fife family, the Duffs of Drummuir, the Abercrombies of Birkenbog, the Gardens of Troup, the Innes of Balvenie, now represented by the family of Edingight, the Leslies of Kininvie, and the Dukes of Gordon, now Richmond. The author also treats of numberless other branches of the Clan Gordon, such as those of Park, Ardmeallie, Beldorney, Glengerack, Arradoul, Edinglassie, some still existing, and some, unfortunately, extinct.

Vivid pictures of the life in the 17th and 18th centuries are presented by some of the regulations then in force. In view of present conditions with regard to unemployment, it is remarkable to note the treatment meted out to vagabonds, beggars, idle persons and domestic servants "lying out of service," who had to choose between entering into service forthwith and an enforced sojourn in the Tolbooth, where one pound of oatcake daily and cold water was the sole diet allowed. In 1579 it was enacted that all persons above 14 years and below 70, who were wandering about the country or who were idle, and all who were able to work and did not do so, or who would give no account of how they got their living, should be imprisoned, and for a second offence, should be treated like thieves. In 1663, a tax was imposed on those parishes in which idle persons found begging had been born, and, where the place of birth was unknown, then those parishes in which they lived had to provide the money. By 1697, in consequence of the disbanding of several Scottish Regiments, there were many

broken men going about the country, who earned their livelihood by robbery, and edicts dealing with them were put forth. In 1700 the Commissioners of Supply of Banffshire were compelled to take stringent measures against "Egyptians and Sorners," while in 1703 we find the Justices of the Peace declaring that breaking of bargain to work and refusal to work at all should alike be punished by fines. Legislation was also found necessary against "hame sucken," or the crime of attacking a man in his own house, and other acts of violence. There is an illuminating correspondence, beginning at p. 152, between Lord Findlater and George Leslie of Burdbank, showing how very scarce money was in Scotland at the end of the 17th century; and after the troubles of 1715 and 1745, in consequence of requisitions and fines, the condition was even worse. As a side-light on the manners and customs of the "brave days of old," it is amusing to read that John Roy Grant, the 7th Laird of Ballindalloch, who took part in Dundee's raid on Perth in 1689, commandeered the best horse of his Whig opponent, the Laird of Pollock, as a remount! Grant was subsequently present at Killiecrankie.

The ill-fated scheme for colonizing the isthmus of Darien (which followed on an abortive attempt to found a Scottish East India Trading Company, foiled by jealousy in London), brought much distress to landlords in Banffshire as elsewhere, among the sufferers being William Duff of Dipple and Alexander Duff of Drummuir. A letter from Lord Seafield's secretary on this subject of date 1699 is given in extenso. He says that "all Scotland with one or two

exceptions" had put money into this venture, and great hopes were entertained that the country would become rich—hopes which were tragically disappointed. Lord Seafield himself, with characteristic foresight and caution, had abstained from participation in the venture. It was said that the authorities (mercantile and otherwise) in London, after their first fury at the idea of a purely Scottish enterprise had passed, and the drawbacks of the scheme were known, deliberately encouraged it with the intention of impoverishing, and thereby rendering innocuous the turbulent north. £400,000, or nearly half the capital available in Scotland at that time, was subscribed to the venture, and the greater part of this was lost, as well as a large number of lives. As a result of the failure and of consequent troubles with Spain, the English Parliament hurried on the question of corporate union, political and fiscal, between the two countries, which was consummated seven years later.

A glimpse is given us of the excitement aroused, when in March, 1708, three French ships came to Garmouth, and some of their crews landed, but apparently only with the purpose of dining! It is further stated that they paid well, and subsequently "went aboard"—a very tame ending to what might have been an international complication (p. 124).

Allusion is made to new legislation in 1710, when houses having 20 or more windows had to pay a tax (p. 289). The window tax was first imposed in 1695, in order to defray the deficiency in connection with the coinage. It was increased in 1746, again in 1778, 1797, 1802 and 1808, and reduced in 1823. The revenue from this source was in 1840

about a million and a quarter sterling, and in 1850, £1,832,684. This ill-advised tax was repealed in 1852, and the Inhabited House Duty took its place.

At the time of the Hanoverian Succession, feeling in the north did not at first run very high, as witness the interesting anonymous letter on p. 291; but later, in 1715, Banffshire supplied a considerable contingent in support of the old Chevalier. The following people were concerned in the Stewart cause of that date (p. 137):—the Duke of Gordon, who was arrested very early, and in consequence took no part in Mar's campaign, his eldest son, the Marquis of Huntly, who was one of the leaders of the rising, the Earl Marischal, Lord Deskford, but only half-heartedly, in spite of what he suffered in imprisonment and otherwise at the hands of "those rogues the Whigs" (p. 303, *et seq.*), James Ogilvie, younger of Boyne, Sir James Abercromby of Birkenbog, Sir James Dunbar of Durn, Charles Hay of Rannas, Charles Gordon of Glengerack, James Gordon of Letterfourie, George Gordon of Buckie, John Gordon of Glenbucket, George Gordon of Carnousie, John Gordon of Auchyndachy, Sir James Gordon of Park, and Major-General Alexander Gordon of Auchintoul, who had served with Peter the Great. The last-named Laird, for his share in the rising, was attainted, but owing to his name being given as Thomas, instead of Alexander, in the act of attainder, his estates escaped forfeiture! The Jacobites who "came in" after the suppression of the rising, were treated mildly, and, on p. 322, will be found a list of those who surrendered at Banff in 1716.

A great deal of information is given regarding the management of the roads of Banffshire. It was only after the suppression of the rising of 1715 that the County Authorities in the north began to deal with these problems in a systematic manner, though earlier laws were extant (p. 56). There are frequent references to the rebuilding of bridges, and the damage caused by rivers and burns "coming down in spate." Originally, the roads were made on the high ground, and often along the sides of the hills, on account of the boggy nature of the lower ground. The present roads are of much later date.

During the Rising of 1745, Banffshire was once again in the throes of war. Amongst the chief men of the country who took part in it on the side of the Prince were Sir William Gordon of Park, who had been Preses at the Meeting of the Commissioners of Supply of the County, held at Banff on 17th May, 1745, Lord Lewis Gordon, brother of the Duke of Gordon, Dunbar of Durn, Andrew Hay of Rannas, George Hay, younger of Mountblair, and George Abernethy, eldest Baillie of Banff. The neighbouring County of Aberdeenshire also provided many supporters of the cause.

Seven portraits are reproduced, to the owners of which grateful thanks are tendered; three of these are in the collection at Cullen House, one in Gordon Castle, and three formerly hung in Duff House, but were taken south when that property was handed over to the towns of Banff and Macduff. The author originally intended to have 15 portraits in all, but before his death he decided to reduce the number, owing to the great expense of reproduction. Much care and labour were bestowed



upon this work by Major Grant, and the present editors record their great pleasure in having been permitted to put the finishing touches to the book—an interesting record of such a varied and important period of Scottish History.

ALISTAIR N. TAYLER.

HENRIETTA TAYLER.

*January, 1922.*

## CONTENTS.

	PAGE
Chapter I.—The Sheriffs, County Barons and Freeholders, and the Commissioners to Parliament, 1664-1722      ...      ...      ...      ...	I
Chapter II.—Commissioners of Supply, of Excise and of the Pole, and Justices of the Peace, 1661- 1718      ...      ...      ...      ...      ...	141
Chapter III.—Road Administration from 1710 to 1760      ...	329
Chapter IV.—Commissioners of Supply and Justices of the Peace, 1719-1760 (complete only to 1750)	397

## P O R T R A I T S .

1.—James, 4th Earl of Findlater and 1st Earl of Seafield *Frontispiece.*

	TO FACE PAGE	
2.—Alexander Duff, of Braco   ...   ...   ...   ...   ...		49
3.—George, Duke of Gordon, the Marquis of Huntly, and the Duchess of Perth   ...   ...   ...   ...   ...		137
4.—Brigadier-General Alexander Grant   ...   ...   ...		313
5.—James, Lord Deskford, 5th Earl of Findlater, and 2nd Earl of Seafield   ...   ...   ...   ...   ...   ...		331
6.—William, Lord Braco, and 1st Earl Fife ...   ...   ...		343
7.—Sir William Gordon of Park   ...   ...   ...   ...		373



# RECORDS OF THE COUNTY OF BANFF.

## CHAPTER I.

*The Sheriffs, County Barons and Freeholders, and the Commissioners  
of Banffshire to Parliament, 1664-1722.*

THE oldest extant minute book of the Barons and Freeholders of the Sherifffdom of Banff begins on 15th April 1664, and ends on 10th April 1722. It gives biennial lists of the Barons and Freeholders of the shire, who at Pasch and Michaelmas were bound to attend the Head Court in Banff to give suite and presence there to the King, who was represented by the Sheriff Principal or his depute. After 1668 the volume records the procedure at the various elections by the Barons and Freeholders of two Commissioners to represent the county in the Scots Parliament. It also gives some few items bearing on the executive government of the county, the oldest county record of which otherwise does not begin until 1696. It may be noted that baron as here used has no reference to the peerage. It is a Scots term applied to a freeholder whose lands had been erected into a free barony, within which the baron or owner exercised civil and criminal jurisdiction.

The minute book of the Barons and Freeholders opens with the following narrative and now somewhat mutilated engrossment of the commission granted by King Charles II. to Sir James Baird of Auchmedden, appointing him Sheriff Principal of Banffshire, an office vacant through the death of James, Earl of Buchan. The restored parts of the commission are shown within square brackets.

ATT and within the tolbuith of the Burghe of Banff the third  
day of Merch, the yeer of God Iajvi and sixtie foure<sup>1</sup> yeirs.

Whylk day compeared personallie ane hono<sup>ll</sup> gentleman, Sir James Baird of Auchmedden, knight, who produced ane comissione patent granted to him by our S. L. the Kings Matie under his Maties great seall of his ancient kingdome of Scotland for exerceing of the office of Shirreffship within the bounds and limitts of the Shrefdome of Banff,

<sup>1</sup> Over the words "sixtie foure" are erroneously superinduced the words "fiftie sex."

and that during all the dayes of the said Sir James Baird his lyfytyme, by qch comissione our sd S. L. gaive, granted and disponed to the sd Sir James Baird the sd office of Shirreffship during the space forsaide, with all fees, profiteits, casualties, privileges and imunities therto belonging, with power to him to enjoy and apply the same to his owen proper use, and to elect nominat and choyse deputts ane or mae (for whom he shall be answerable), and all serjands and officiars of court (except the Shref Clerk), and to act and doe evrie thing else belonging to the sd office of Shirreffship, als fullie and amplie in all respects as anie Shreff Prin<sup>ll</sup> w<sup>thin</sup> anie Shrefdome of the sd kingdome of Scotland heirtofore hath done or shall doe, as the said comissione of the datte efter spect in its selff bears, which the sd Sir James Baird ordained to be insert and regrat in the Shreff books of Banff therin to remayne to future memorie, and wherof the tenor followes and is thus:—*Carolus Dei gratia Magnae Britaniae Franciae et Hiberniae Rex Fidei Defensor Omnibus probis hominibus suis ad quos pñtes literae nostrae pervenerint salutem: Sciatis quia nos considerantes fidele servitium nobis per dilectum nostrum Dominum Jacobum Baird de Auchmedden militem praestitum et suspensum ejusque animi dotes et fidelitatem ad fungendum officio subscripto: Quin etiam intelligentes officium Vicecomitis Principalis vicecomitatus nostri de Banff nunc in manibus nostris vacare et ad nostram donationem existere ex obitu praedilecti nostri consanguinei Jacobi Comitis de Buchane novissimi Vicecomitis Principalis ejusdem nostri vicecomitatus: Igitur asedimus constituimus et ordinavimus tenoreq pñtium facimus constituimus et ordinamus praefatum Dominum Jacobum Baird durañd oibus suae vitae diebus Vicecomitem Principalem praedicti vicecomitatus de Banff intra universos limites et jurisdictionem ejusdem ac dedimus concessimus et disposuimus tenoreq pñtm<sup>us</sup> damus concedimus et disponimus memorato Domino Jacobo durante spatio antedicto idem officium cum omnibus feod proficuis casualitatibus privilegiis et emolumentis exspectand et pertinand: Cum plena potestate sibi eisdem fruendi percipiendi et ad ejus proprium usum aplicandi ac etiam deputatos unum seu plures (pro quī respondere tenebitur) creandi et substituendi ac shjandos aliosq curiae officiarios (demptis clericis) nominandi at generaliter omnia alia et singula necessaria ad dictum officium et executionem ejusdem spectand faciendi non [minore] juris*

libertate in oibus respectibus quam [quicunque alius] Vicecomes Principalis cujusvis alterius [vicecomitatus in eo]dem regno nostro simili officio potitur . . . est quorumq̄ tempore elapso mandamus cunctis nostris subditis [ut prae-fato] Dno Jacobo [Baird in executione dicti officii vicecomi]tis parate morem gerere In cujus [rei testimonium pre]sentibus magnum sigillum nostrum [appendi mandavimus apud] aulam nram de Whythall decimo sexto [die mensis . . . anno] Dni millesimo sexcentesimo sexagesimo [quarto et anno regni nostri] decimo sexto per signaturam manu [S.D.N. Regis suprascriptam], et sic a tergo subscribitur. Writ[en to the great seal and registered the] fourt of Febrii 1664.

The Sheriff, from early historic times in Scotland, was the King's representative in the county. The office was borrowed from English usage by the early Scots Kings, when consolidating their authority over the nation. In theory, though the nominee of the King and holding place at his pleasure, the Sheriff soon came to be in almost every case the most powerful noble within the county; and the office from early times tended to become hereditary. Sir John Skene, writing in the reign of James VI., said—"Schirreffs in this realme hes their offices given to them be the King in heritage, contrair to the Act of Parliament, Ja. II., par. 11, c. 44, quhilk is the cause of great enormities and wranges, be reason the Schireffes being infest heritable thinkis themselves sure of their office, and regairdis nocht the execution." Sir James Baird's commission, and those of his colleagues and successors in Banffshire shew that in the seventeenth century the office was not hereditary, or even strictly a life appointment, being held *ad bene placitum*, or at pleasure. As the King's representative in the county, the Sheriff presided at the biennial head courts of the Barons and Freeholders of the county held at Banff. He also, until 1681, presided at the meetings of the Freeholders when they were called to elect the Commissioners of the Shire to Parliament, and might be elected to that office. He collected crown rents and casualties, and performed other duties of an executive nature. On his judicial side, which is not treated here, he constituted and was chief of the King's civil and criminal courts in the county, appointing deputes and all other necessary officials, except the Sheriff Clerk. He often presided at the ordinary civil and criminal courts, though that duty was in course of time chiefly performed by his deputes, who came to be appointed for their knowledge of law. The remuneration of the Sheriff Principal and of his deputes for long consisted of fines or unlaws, escheats and fees.

## THE BAIRDS OF AUCHMEDDEN.

The family historian, William Baird,<sup>1</sup> last of Auchmedden (1701-1777), places Sir James Baird fifth in direct descent from Andrew Baird of Lavorocklaw, Fifeshire, a cadet of the Bairds of Posso, Tweeddale. This Andrew Baird, on 23rd February, 1539, acquired under reversion from the Earl of Buchan the lands of Auchmedden, Aberdeenshire. The family soon took root in the north, and spread in influence in Aberdeenshire and Banffshire. Andrew Baird's son George, second of Auchmedden, married, in August 1550, Elizabeth Keith daughter of Alexander Keith of Troup, in Gamrie Banffshire, and niece of the then Earl Marischal. His wife's aunt, Lady Anne, who married the Regent Moray, and on his death the Earl of Argyle, brought to George Baird employment, influence and territorial aggrandisement. On 10th May, 1568, the Regent, who then held the Earldom of Buchan in ward, conveyed the estate of Auchmedden absolutely to its wadsetter George Baird in consideration of many acts of utility and friendship and sums of money. Notwithstanding his connexion with the Protestant Regent Moray, Baird and his successor adhered to the Catholic cause. On 28th October, 1562, he was present under the Earl of Huntly at the disastrous fight of Corrichie, which for a time laid low the Gordon and Catholic power and influence in the North. He died on 29th May, 1592, and was succeeded by his eldest son Gilbert, third of Auchmedden. Another son was George Baird, who acquired Corskie, Banffshire, from whom descend the Bairds of Chesterhall in Midlothian, whose founder, James Baird, an Edinburgh lawyer, interested himself in Banffshire affairs about the beginning of the eighteenth century.

Gilbert, third of Auchmedden, married, on 16th August, 1578, Lillias heiress of Walter Baird of Ordinhivas Fordyce, thus linking on the Auchmedden Bairds to those of Ordinhivas, who date back to 1430, according to the family historian. There is an old tradition that Gilbert had the extraordinary number of 32 sons and daughters by his wife. He died on 23rd February, 1620. He was succeeded by his eldest son George, fourth of Auchmedden, who extended the family influence by marrying, on 17th October, 1616, Anne Fraser daughter of the Laird of Philorth. He took an active interest both in local and national affairs. From 1628 to 1638 he was Provost of Banff. In the Civil War he at first took sides with the Royalists, and was present at the 'Trot o' Turra' in May, 1639. A year later he was, according to Spalding, in line with the Covenanters. Death, however, on 12th February, 1642, saved him from its chief turmoil. His younger brother James practised law in Edinburgh, and was appointed by Charles I. Commissary of the Ecclesiastical Court of Scotland. He died before

<sup>1</sup> Genealogical Collections concerning the Surname of Baird, Edin., 1857, and Lond., 1870.



his patent creating him Lord Deveron passed the seals. James Baird's two sons, James and Robert, were founders of the families of Newbyth and Saughtonhall, in the Lothians.

George Baird was succeeded by James Baird, fifth of Auchmedden, Sheriff Principal of Banffshire, who, when young, was sent south to Edinburgh. There he received his education with his uncle the Commissary's son John, who afterwards at the Restoration was made a baronet, and ultimately reached the bench as Lord Newbyth. In 1641 James Baird married Christian, only daughter of Walter Ogilvie of Boyne, Banffshire, and sister of Sir Patrick Ogilvie of Boyne, Lord Boyne. In those days relationship and "moyen" went hand in hand; and accordingly relationships have to be carefully noted. The Ogilvies of Boyne, whose estates stretched from Banff to Portsoy, were a younger branch of the Ogilvies of Airlie. The Ogilvies of Airlie were then represented by the Lord Airlie, who had possessions in and near the county town of Banff. The Earls of Findlater were cadets of the same family, and so also were the Lords Banff.

Like his father, James Baird took an interest in the government of the county town, and acted as Provost of Banff during 1646-7. In the critical times after the execution of Charles I., judging from a letter to him from the Marquis of Huntly, dated October, 1651, which William Baird has preserved, he seems to have favoured the Royalist cause. Like most other proprietors in Scotland James Baird ultimately acquiesced in the rule of the Commonwealth. Part of his lands were in Aberdeenshire, and he, along with the laird of Udney, were in 1652 appointed Commissioners by the Freeholders of Aberdeenshire to the Scottish Convention which, on 26th February, settled at Dalkeith with the English Commissioners the Articles of Union incorporating England and Scotland. At that meeting he became acquainted with General Monk. William Baird in his memoir gives letters from James Sharp, minister of Crail, afterwards Archbishop of St. Andrews, to James Baird during the period of the Commonwealth, and there seems little doubt that their friendly relations were of mutual advantage in the rise of both to place and power. At the Restoration, James Baird received the honour of knighthood. In a Sasine minute of 7th May, 1661, he is named Sir James. On 10th January, 1664, he was elected and sworn in one of seventeen elders of the Parish Church of Banff. The others included Robert Hamilton, brother-in-law of Archbishop Sharp, Robert Sharp, Sheriff Clerk of Banffshire, the Archbishop's brother, and Patrick Stewart, who represented the Burgh of Banff at that time in Parliament. On 3rd March following, Sir James Baird, as before narrated, was installed Sheriff Principal of Banffshire. At the Michaelmas Court of 1669 the Laird of Auchmedden was entered in the suite roll after Lesmurdie for the lands

of "Pitger, Awalds and Cairnandrew." He does not appear in the roll before that date, although he was elected Commissioner for the Shire to the Parliament that met on 2nd August, 1665. He had three sons and three daughters. His eldest son, James, became conjunct Sheriff Principal with him in 1672. His eldest daughter, Elizabeth, married Sir James Abercrombie of Birkenbog, as his third wife, on 22nd August, 1668; and, after his death, married Patrick Ogilvie, younger brother of the Chancellor, Earl of Seafield. His youngest daughter, Christian, married, c. 1676, George Leslye of Burdsbank, Sheriff Clerk, and Clerk to the Commissioners of Supply of Banffshire. Besides William Baird's book referred to, Dr. Cramond's "Annals of Banff," New Spalding Club, the Editor's "Seafield Correspondence," Scottish History Society, and this volume contain information about Sir James Baird. He died in July, 1691.

From the Minute Book of Banffshire Sasines.

16 Jary., 1663.—Seasing Sr James Baird of Auchmedden, Knt, of ye pleugh of land called the Newtoun of Northfeild and ye shaddow half of ye toune and lands of the pleugh of Greenley.

14 Der., 1664.—Seasing Sr James Baird of Auchmedden, Knight, of the tounes and lands of Monenie, wt ye myln aud myln lands yrof, and of the touns and lands of Auld and New Draidlend and pendicles yrof called Smidditoune and Clintertie, togither wt ye multurs of Auquhorsk, Whythill and Greenscares.

Novr. or Decr., 1667.—Saising Sr James Baird off Auchmedden and Sr John Baird of Newbyth off and upon all and hail the lands of Pennen and Clinterbre—and maner place, the toune and lands off Glenhuiss and Kinbeam, the superioritie of the tounes and lands off Auchmedden and pendicles yroff cailled Lenniehous, Glencouthill and mylne yroff, Kinbeam, Litle Byth, Claiverie faulds, Towie, Pettger and Awalds and uthers, with the pertinents.

#### ROLL OF BARONS AND FREEHOLDERS.

The second entry in the minute book is the roll of the Barons and Freeholders of Banffshire, made up at Pasch, 1664, and relative minute. The greater part of the volume is made up of similar biennial lists, which are mostly repetitions. To avoid unnecessary reiteration, only the changes are indicated, until the roll has substantially altered. When dealing with changes, occasional short illustrative notes on the freeholders' land rights in the county, taken from a MS. copy of the Minutes of the Particular Register of Sasines for Banffshire, are given.

CURIA CAPITALIS vicecomitatus de Banff tenta in pretorio ejusdem per Dominum Jacobum Baird de Auchmedden militem Vicecomitem Principalem dicti vicecomitatus et Robertum Hamiltonne ejus deputatum pro tribunali sedeñ decimo quinto die mensis Aprilis anno Dm millesimo sexcentesimo sexagesimo quarto quo die sextis vocatis Curia legitime affirmata fuit.

The Marques off Huntlie for his landes and lordship off the forrest off Boynde, Enzie, Auchendowne, Strathaven, Ruthven, Inveraurie, Fetterletter and Gairtlie.

The Earle off Marshall for his lands off Inverugie, Durne and Auchenhamper.

The Earle of Buchane for his lands and lordship off Glendowachie, Downe and Monblerie.

The Earle of Airlie for his landes of Bachlaw, Alvach and Tippetie.

The Earle of findlater for his landes and lordship off Deskfuid, findlater and Castellfeild.

The Viscount off frendraught for his lands of Convoe, Kinairdie, Neytherdeall and Tortries.

The Lord Banff for his lands of Sandlaw, Inshdrue, Blairshinnock, Ord and Raitties.

The Lord Oliphant for his landes of Pittendreich, Airdfour and Auchininnae.

The Laird of Kinminnitie for his lands and lordship of Balvenie.

The Laird of Boynde for his lands and thayndome of Boynd.

Sr. Alexr. Urquhart off Cromartie for the half lands of Dunlugus and Muirdenne.

The Laird of Rothemay for the landes theroff.

The Laird of Park for the barronie of Edinglassie and Glenmarkie.

The Laird of Gight for the lands of Corronassie.

The Laird of Bellandalloch for the lands yrof and Tullocharrine.

The Laird of Ryland for his landes of Outlaw.

The Laird of Baldavie for his lands theroff.

James Hay of Rannes for the lands of Muldavet.

The Laird of Kilmachlone for the lands yroff.

The aires and successores off Lesmurdie for the lands yroff.

The Laird of Crombie for the barronie yroff.

The Laird of Craigstoune for the barronie of Beldornie.  
 The Laird of Troupe for the lands yroff.  
 Johne Gordoune off Buckie for the lands of Freuchny.  
 The Laird off Auchentoull for the lands yroff.  
 The Laird off Carnousie for the lands yroff.  
 The Laird of Kempkairne for the lands yroff.

AT Banff the fyfteinth day off Apryle, Iajvy and sixtie three (?)  
 [four] yearis, in presence off Sir James Baird off Auchmedden,  
 Shreff Prin<sup>ll</sup>

The sd day the whole noblemen, barrones and gentlemen abwritten  
 on the other page being thyrse called and not compeirand wes amerciati  
 ilk ane off them in the soume off fiftie poundes moey for defect of sute,  
 and the lyk soume off fiftie poundes moey for defect of presence,  
 except the lairdes of Boyn and Rothemay, who were personallie  
 present, and the Earles off Airlie, ffindlater and Lord Banff, who  
 compeired by Patrick Steuart in their name, and Mr. David Gordowne,  
 who compeired for the laird off Park his fayther, wch amerciaments is  
 ordained to be payed wtin term off law, and precept ordained to be  
 direct therupone. Qron: JA. BAIRD.

#### THE GORDONS OF PARK.

At the Michaelmas Head Court of 1664, Sir John Gordon, laird of  
 Park, had "Park" added to his qualifications, to be dropped in the next  
 Pasch roll of 1665. The Balbithan MS. published in Vol. I. of "The  
 House of Gordon" (New Spalding Club), states that of the three  
 daughters of Sir John Gordon, second laird of Park, one married the  
 Laird of Muirhouse Lyon, another married the Laird of Eden Leslie,  
 the third daughter married the Laird of Tillery Cuthbert. Sir John  
 Gordon died before June, 1667, and was succeeded by his eldest son,  
 Sir John Gordon, as third of Park.

23 June, 1658

Seasing given to Helen Gordone, second lau<sup>ll</sup> daughter to Sir Johne  
 Gordone of Park, of the yeirlie @rent of the prin<sup>ll</sup> sowme of four  
 thousand merks furth of the landes and baronrie of Cornecairne.

Seasing given to Marie Gordone of ane yeirlie @rent of 3000 mks  
 furth of the landes of Corncairne.

Seasing given to Sophia Gordone of the yeirlie @rent of 3000 mks furth of the lands of Cornecairne.

Seasing given to Geo. Gordone of the yeirlie @rent of the prin<sup>ll</sup> sowme of 6000 mks furth of the sdes landes of Cornecairne.

Seasing given to David Gordone of ane yeirlie @rent of the prin<sup>ll</sup> sowme of 4000 mks furth of the sdes landes.

20 July, 1661.—Seasing Jon Gordone, eldest law<sup>ll</sup> sone to Sir Jon Gordone of Park and Elizabeth Grahame, his spous, of the lands of Cluney newmayns yroff.

25 Apryle, 1663.—Renuncia<sup>one</sup> of ane yeirlie @rent, answrable to the prin<sup>ll</sup> soume of six thousand merks mōy, granted by George Gordon of Edinglassie to Sir Jon Gordone of Park, knt, his father.

14 Junii, 1664.—Seasing Sr. John Gordon of Park in lyfrent and Mr. David Gordon, his sone [in fie] of and upon the toune and lands of Auchoynanie, &c.

25th Junij, 1667.—Saising Dame Elizabeth Grahame, spous to Sr. Johne Gordowne of Park, Knigt, off and upon all and haill ane pairt and portion off the mayns of Park possest be Dame Helen Sibbald with the tour, fortalice, maner place of Park, all and haill these pairts and portions off the sd maynes comonlie called Greindykes, Starmyres, Bremunt, Bakwards and four oxgaitte lands of Auchanland and uthers, with the pertinents.

8 May, 1678.—Saiseing given to Kaitheren Ogilwy, spouse to Sir John Gordon of Park, in conjunct fie and lyverent off all and haill the lands of ower and neyr Claymyres, ower and neyr Swelboig and Inschtamock as prin<sup>ll</sup> lands, the lands of Scatterty, Mukle and Litel Boigtowne in warrandice and Sweillboig.

#### THE ABERCROMBIES OF BIRKENBOG.

To the end of the Michaelmas Roll of 1664 was added "The Laird of Birkenbog, elder and yor for the lands yroff." In the Pasch Roll of 1666 the words "elder and yor" are dropped.

Sir Alexander Abercrombie of Birkenbog succeeded, c. 1647-48, his father Alexander,\* Grand Falconer in Scotland to Charles I. An account of him and his ancestors is given by Mr. D. Murray Rose in three articles in the Banffshire Journal of October 28 and November 4 and 11, 1902, under the title, *The Tragic History of the Abercrombies*. Sir Alexander, whose immediately younger brother was Mr. John of

Farskane, founder of the family of Abercrombies of Glassaugh, was infeft in the family estates by charter under the great seal in favour of himself and Jean Urquhart, his spouse, second daughter of Urquhart of Cromartie and of Dunlugus and Muirden in Banffshire, on 2nd February, 1629 (Reg. Mag. Sig., lii., fol. 153). His patent as a Baronet of Nova Scotia dates from 20th February, 1636. He was Commissioner for the County of Banff from 1641 until 1663. During the covenanting struggle he became, in the words of Spalding, "a main Covenanter," and received from the Estates a commission as Sheriff of Banffshire. In February, 1644, he appeared as Sheriff at Bog of Gight with a few horse to apprehend the Marquis of Huntly for not subscribing the covenant, but Huntly refused to recognize the validity of his commission, and told him to begone. At the Restoration he appears as a Royalist, and was present as Commissioner for Banffshire at the Scots Parliament which met in Edinburgh on 1st January, 1661, and ended on 9th October, 1663. Judging from the following sasine minutes, his second wife, Jean, daughter of James Sutherland of Kinminity, Keith, was married to him in January, 1668, and did not survive many months. He married his third wife, Elizabeth, daughter of Sir James Baird of Auchmedden on 22nd August, 1668. By her he had two sons, his eldest, James, and Alexander who, on 26th June, 1699,<sup>1</sup> succeeded his cousin George Abercrombie of Skeith Banffshire, and of Tullibody, as laird of Tullibody. This Alexander married Mary, daughter of Alexander Duff of Braco, and was ancestor of General Sir Ralph Abercrombie, and of the Lords Abercrombie. Sir Alexander had a daughter, Marie, who married, c. 1665, George Gordon of Edinglassie. On 14th September that year a receipt was granted on his behalf to Alexander Abernethie of Meyan for Rothiemay's proportion, 200 merks, due Sir Alexander for attending Parliament in 1662-3. He was alive in 1682.

29 Jary., 1668.—Saising Dame Jean Sutherland, spous to Sr Alexander Abercrombye of Birkinbog, off and upon all and hail the toune and lands off Cairnetoune, the toune and lands of Towie and mylne yroff, the toune and lands of Clashindamer, Burnside, Windsholl, Sumertoune, Muttonbray and uthers vith the pertinents.

26 August, 1668.—Saising Mistres Elizabeth Baird, spous Sr Alexr. Abercrombye off Birkinboge, off the toune and lands off Cairntoune, the toune and lands of Towie, mylne and mylne lands theroff, the toune and lands of Clashindamer, Burnside, Windshole, Simertoune, Muttonbrae and uthers vith the pertinents.

<sup>1</sup> See Seafeld Correspondence, Scottish History Society, pp. 269 and 270.

12 Jary., 1682.—Saisine given to Sr Alexr. Abercromby of Birkenboig, Knight Barronet, in lifrent, and James Abercromby, his eldest law<sup>ll</sup> son, in fie, of all and haill the toune and lands of Hillend, the lands of Ordinhuißes, w<sup>t</sup> the pendicles called the Oldtoune of Ordinhuißes, Achip, Muttonbrae, Symertoune, Wintertoune, Windsholl, Windsyd, with the pertinents.

19 Jary., 1682.—Saisine given to James Abercromby, eldest law<sup>ll</sup> son to Sr Alexr. Abercromby of Birkenboig, of all and haill the toune and lands of Gallcorss, with the toure, fortalice, maner place yrof, w<sup>t</sup> the pertinents.

#### THE OGILVIES OF KEMPCAIRN.

In the Pasch Roll of 1665, Ogilvie, laird of Kempcairne, Keith, a cadet of the Ogilvies of Findlater, was entered as holding Drumna-keyth, and Kempcairne was dropped. Alexander Ogilvie of Kempcairn, second son of Sir Walter Ogilvie, first Lord Deskford, married Katherine,<sup>1</sup> fourth daughter of John Grant, fifth laird of Freuchie, Chief of the Grants. In 1664, this Alexander appears as an elder of Keith Parish Church.<sup>2</sup> He was succeeded by his son John, mentioned in the following minutes:—

7 July, 1664.—Seasing James, Earle of ffindlater, of the superioritie of the lands of Kempcairn, Meikle Drume, Westertoune and Corss, and of the patronages of the Churches of Banff and Inverboyndie, and of the bailzearie of the lands and barronie of Strathilay.

1 Appryll, 1680.—Saisine given to Alex<sup>r</sup>. Ogilvie, eldest law<sup>ll</sup> son to John Ogilvie, of Kempcarne, of all and haill the toune and lands of Kempcarne the maner place yrof w<sup>t</sup> the millne of Kempcarne w<sup>t</sup> the pertinents.

Saising last Jary, 1690.—George Ogilvie, brother to Alexander Ogilvie, of Kempkairn, of ane yearly @rent of 80 libs out of anie pairt of the said Alexander his estate of Kempcarne, or otherwayes.

Saising last Jary, 1690.—Mistris Margaret Ogilvie, sister of Alex<sup>r</sup>. Ogilvie of Kempcarne, of ane yearly @rent of 160 libs out of anie pairt of the said Alexander his lands or estate within the parochines of Keith and Grange.

Saising last Jary, 1690.—Mrs. Elizabeth Ogilvie, sister to Alexander Ogilvie, of Kempcairn, of ane yearly @rent of 120 libs out of the same lands.

<sup>1</sup> Fraser's "Chiefs of the Grants," Vol. I., p. 196.

<sup>2</sup> Dr. Cramond's Church of Keith.

Saising last Jary, 1690.—Mrs. Anna Ogilvie, sister to Alexander Ogilvie, of Kempcairn, of ane yearly @rent of 120 libs out of the same lands.

28th February, 1709.—Sasine to John Ogilvie, elder of Kempcairn, Mary fforbes his spous, and John Ogilvie yr grandchild, eldest law<sup>ll</sup> sone to Alex<sup>r</sup> Ogilvie, yoür of Kempcairn, off all and haill the toune and lands of Over and Neyr Moungraws, w<sup>t</sup> the mill yrof called the Milne of Myres, multures and sequells of the samen, w<sup>t</sup> the ptenents.

At the Pasch Court of 1668, James Sutherland, laird of Kinminity, Keith, father of Alexander Sutherland, cadets of the Lords Duffus, dropped out of the roll as superior of the lordship of Balvenie, and that subject was returned blank until Pasch, 1669, when Alexander Fraser, yr. of Philorth, was entered for that lordship. For an account of the lordship of Balvenie, see Baird's "Genealogical Memoirs of the Duffs," and Dr. Cramond's "Castle and Lords of Balvenie, 1892."

19 Sepr., 1668.—Saising Alexander ffraiser, younger of Philorth, off the lands and lordship off Balvenie with the advocatione and donatione off the paroche Church of Aberlour and chaplanrie of Boharme, with the pertinents.

#### THE SUTHERLANDS OF KINMINITY AND BALVENIE.

July 8, 1665.—Seasing Alexander Suyrland, yor of Kinminntie, of the lands and lordshipe of Balvenie, ye lands and barronie of Botriphnie, ye lands and barronie of Aberloure, the toune and lands of over and neyr Kinmunntys and uys lands and priviledges comprehended w<sup>in</sup> ye sds lordship and barronies.

July 8, 1665.—Seasing Alex<sup>r</sup>. Suyrland, yor of the lands of over and neyr Kinminutys all and haill ye lands and lo of Balvenie, the lands and barronies of Botriphnie and Aberloure c.prehending severall uyre lands and priveledges.

8 July, 1665.—Seasing Jean Forbes, spous to Alex<sup>r</sup>. Suyrland yor of Kinminuty, of all and haill ye mayns of Balvenie extending to 7 chalders victuall w<sup>t</sup> ye kill yrof extending to 4 bolls victuall, w<sup>t</sup> yt pt of ye lands of Lecachie extending to 4 chalders victuall, together w<sup>t</sup> ye toune and lands of Tomnamuyde extending to sex bolls victuall, w<sup>t</sup> ye teynd sheavs of the lands above wrin and viccariage of ye mayns of Balvenie.



8 July, 1665.—Seasing Wm. Suyrland, broyr german to Alex<sup>r</sup>. Lord Duffus, of ane yeirlie @rent of five hundreth and fourtie punds scots, to be uplifted furth of ye mayns of Balvenie.

The minute of the Pasch Court of 1668 is a sample of many, noting, as it does, the many absentees who were fined.

At Banff the twentie seavinth day off Merch Iajv & sixtie eight years, Georg Steuart, Shereff deput.

The whole Nobles and Barronnes called thryse and not compeirand except the Earles of Airlie and findlater, who compeired by Thomas Ogilvye and James Brockie, Cromertie personallie present, Patrick Steuart for Rothiemay, James Brockie for Park, Alex<sup>r</sup>. Brockie for my Lord Banff, ilk ane off them amerciati in the soume off fiftie poundes moey for defect off sute and the lyk soume for ther personall presence, to be payed w<sup>in</sup> term off law to the Pror. phiscall under the payne off poyndeing.

G. STEUART.

#### THE LORDS BANFF.

23 Der., 1657.—Seasing Georg, Lord Bamff, of the toune and landes of Barnehill, Deyhill.

23 Der., 1657.—Seasing Lord Bamff of the landes of Melrose and milne yroff.

6 May, 1659.—Seasing Geo., Lord Banff, of two pleughes of land in the Oldtoun of Carnowes.

George, 1st Lord Banff, "surnamed Ogilvie, neare octogenarius," died on Sept. 5, '63.<sup>1</sup>

22nd Febry., 1664.—Seasing George, Lord Banff, of the landes and barronie of Inchdrower, of the lands and tenendrie of Blairshinnoch and Rattie, of the lands of Outlaw and Rosieburn, of the lands and barronie of Forglen, of the lands and tenendrie of Ord, w<sup>t</sup> yr pertinents.

6 March, 1665.—Seasing George, Lord Banff, of the tounes and lands of Deyhill, Barnhill, Gelliehill, and Gelliemyln, and Auldailhous.

26 September, 1665.—Seasing ane Noble Lady Dame Agnes Falconer, Lady Banff, in lyfrent of the lands and barrony of Forglen, maner place and mansion of Forglen, Kirktown of Forglen, Ribrays,

<sup>1</sup> Diary of John Row. "Scottish Notes and Queries." Vol. VII., p. 70.

and Cottouns, haugh of Muresk, lands of Whytfeild, salmond fishing on Dovern water.

12 Junij, 1666.—Saising George, Lord of Banff, off the lands and barronie of Crombie, maner place and mayns therof, the toune and lands of Old Crombie, Burne of Whomie, Reidfuird, New Crombye w<sup>t</sup> the mylne of Crombye, Braes of Crombye, Ramore, Drumfirie and Tilliffaff, with their pertinents.

15 ffebrj, 1668.—Saising George, Lord of Banff, off all and haill the lands of Ryland, mylne and mylne lands theirow, the toune and lands of Eister and Wester Blacktouns, Murehill, Herroddhill, ower and neither Deuchries and uthers, with the pertinents.

March — '68.—Died my Lord Banff, <sup>1</sup> aetatis .

23 December, 1669.—Saising given to ane Noble Lord George, Lord off Banff, off the lands and barronie of Inchdrower, off the lands and tennandrie off Blairshinloch and Rattie, off the lands of Outlaw and Roseburne, off the lands and barronie of Forglen, off the lands and tenandrie of Ord, off the toune and lands of Deyhill, Bairnhill, Gelliehill and Gelliemilne, and of the toune and lands of Crombye theirin comprehending the particular touns, lands, mylnes, mylne lands and uthers, with the pertinents.

18 November, 1673.—Saising George, Lord Bamff, off all and haill the lands and barronies of Doun and Monblarie, comprehending the toune and lands of Doun, the toune and lands of Silverfoord, Monbletone, ffortrie, milne and milne lands yroff, Bruntyards, Bades, Myrehouse, the toune and lands of Boig, Boigs of Monblarie, Neutoune, Auldtoune yroff, the lands of Burrelldails, Linhead, Scotistoune, Bredmyre and Hallymilne, milne lands yroff.

On 28 April, 1675, the crown issued a protection <sup>2</sup> to 'Lord Bamfe' for 3 years against paying @rents. Row <sup>3</sup> thus describes his death:—"Lord George Banff, an man of an very ewell life, was burnt to ashes in his bed Januar 30, 1713, ther being none w<sup>in</sup> the house that night butt himselfe and an servant woman, who made her eskeap when she was awakened w<sup>t</sup> the flames, butt no possability to get the fire stopt, or to get my Lord relieved."

<sup>1</sup> Row's Diary. "Scottish Notes and Queries." Vol. VII., p. 122.

<sup>2</sup> State Papers (Scotland) Warrant Books, Vol. III., p. 234, in the Public Record Office, London.

<sup>3</sup> Row's Diary. "Scottish Notes and Queries," p. 122.

## GORDON OF EDINGLASSIE.

At the Michaelmas Court of 1669 there was added to the end of the roll "the Laird of Edinglassie for the land yroff," the Laird of Park being at the same time entered in the suite roll for the barronie of Edinglassie. The Balbithan M.S.<sup>1</sup> gives Sir George Gordon of Edinglassie, Invermarkie, Auchinhandock, Carnousie and Crannoch, as second son of Sir John Gordon, second laird of Park by his wife, Hellen Sibbald, daughter of Sir James Sibbald of Ramkiller, in Fifeshire. His wife, whom he married in 1665, was daughter of Sir Alexr. Abercrombie of Birkenbog. On 25th Decr., 1669, an "Act,"<sup>2</sup> in favours of George Gordoun of Edinglassie for ane yeerly fair on the hill of Invermerkie," was passed by the Scots Parliament. This fair is known as Glass market. On 7 Feby., 1677, a docquet of the warrant for a charter to George Gordon of Edinglassie on the barony of Rothiemay was issued by the Crown.<sup>3</sup> He was knighted by Charles II. in 1681.

26 Apryll, 1665.—Seasing Marie Abercrombie, spous to Georg Gordone of Edinglassie, in lyfrent of the maynes of Edinglassie, Perkhaugh, over and neyr Dumeths, Glenbeig, Bonfaill, Hedriegall, Brasyde, Cottertoune and Burnsyde.

8th Sepr., 1669.—Saising George Gordone off Edinglassie, of all and haill that third part lands of Belchirie called Sockach, with the pertinents.

## THE URQUHARTS OF CROMARTIE.

Before the Michaelmas Court of 1668 Sir Alexander Urquhart of Dunlugus and Muirden died, and his heirs and successors were then substituted in his place. Though so designed in the Banffshire suite roll, he was more commonly designed as of Cromartie, being younger brother and successor of Sir Thomas Urquhart of Cromartie, the translator of Rabelais, who died of a fit of laughter in 1661 through excessive delight on hearing of the Restoration! The Urquharts of Cromartie early obtained a holding of land in Aberdeenshire. Adam, who was appointed Sheriff of Cromartie in 1357 by David II., obtained, in 1365, a charter of the lands of Fishrie and Clashforbie in King-Edward. His descendant, Alexander, who was served heir to Fishrie in 1561, married Beatrix Innes of Auchintoul, by whom he had two sons, Walter, the elder, and John of Craigfintry or Craigston, who was commonly known as the tutor of Cromarty. He was so called as

<sup>1</sup> The House of Gordon (New Spalding Club), Vol. I., pp. 36-39.

<sup>2</sup> The Acts of the Parliaments of Scotland, Vol. VII., p. 662.

<sup>3</sup> State Papers (Scotland) Warrant Books, Vol. IV., p. 185.

guardian of Walter's grandson, Thomas, who was knighted in 1617 by James VI. This Thomas was the father of the translator of Rabelais above mentioned, who was knighted in 1641 by Charles I. Walter, whose daughter married Walter Ogilvie of Dunlugus, was succeeded by his second son, Henry, who married Elizabeth, daughter of Sir George Ogilvie of Dunlugus. Henry's son, Sir Thomas of 1617, had two sons, Sir Thomas of 1641 and Sir Alexander above referred to. These inter-marriages with the Ogilvies of Dunlugus explain Sir Alexander's succession to that estate. The Royalist leanings of the Urquharts involved them in great losses, and, in 1663, the Scots Parliament<sup>1</sup> recorded a report by Sir Alexander Abercrombie of Birkenbog and two other Commissioners that the losses of Sir Alexander, of his brother and his father by the armies impowered by the pretended estates of Scotland before 1650, amounted to £20,303 8s. 10d. Scots; while the estate of Cromartie, in 1651 and 1652, was 'sequestrat' by the English to the extent of £39,203 7s. Scots. In 1661 Sir Alexander ratified<sup>2</sup> a disposition of the 'lands and barronie of Cromartie and the Shirreffship thair of,' in favour of Sir John Urquhart. He was appointed Commissioner of Banffshire to the Parliament,<sup>3</sup> which met on 9th January, 1667. He married a daughter of Lord Elphinstone, and their daughter Christian was the wife of James, second Viscount Fren draught.

#### GORDON OF ZEOCHRIE.

To the end of the roll of 1688 was added Mr. James Gordon, parson of Rothiemay, the well-known historian, for the barony of Zeochrie, for which the following minute shows that he had to give suite and presence only once a year.

Banff, first off Junij, 1672 yeires, compeired George Gordone, eldest lawfull sone to Mr. James Gordone, barron of Zeochrie, and produced the sd Mr. James his charter of confirmatione of the sds lands, wheirin he is only obleidged to keep the head Michalmes court, and not the Pash court as his charter, of the daite the 24 August, 1663, bears.

22 July, 1667.—Saiseing Katharine Gordowne, spous to Mr. James Gordowne, minr att Rothemey, off and upon the toune and lands of Whytmuire and Northrilsyde (?) and uthers, with the pertinents.

16 November, 1669.—Saising Anna Gordone, youngest lawfull daughter to Mr. James Gordone, minister at Rothemey, off the toune and lands off Southmyreside two pairt and third pairt off the samen.

<sup>1</sup> Acts of the Parliaments of Scotland, Vol. VII., p. 479.

<sup>2</sup> Ibidem, pp. 70, 71.

<sup>3</sup> Ibidem, p. 537.

15th Junij, 1686.—Saising Elizabeth and Anna Gordons, law<sup>ll</sup> daughters of the first mariadge procreatt betwixt Mr. James Gordon, min<sup>r</sup> at Rôthiméy, and Margaret his spouse, of the lands of Meyresyde, Whitmuir, meall house, Kirktowne of Aberchirder, and others.

#### LYON OF CRAIGSTON MUIRESK AND BELDORNIE.

The laird of Craigston, John Lyon, Elder, who was also laird of Muiresk, and who appeared from 1664 onwards in the suite roll for the barony of Beldornie, dropped out in tragic circumstances. He was either father-in-law or brother-in-law of John Gordon, fourth laird of Beldornie, who, according to the Balbithan MS.,<sup>1</sup> married in 1631 the daughter of the laird of Muirhouse [Muiresk]. By 1659 Lyon had acquired an interest in what is part of the modern estate of Beldornie, as the following Sasine minute shows:—Last Feb., 1659.—Renunciacione Johne Lyone, elder of Muresk, and Jon Lyone, younger yroff, of the toune and landes of Belcherie. By 1664, he must have acquired the superiority of Beldornie, otherwise he would not have been entered in the county suite roll for that subject. Gordon seems, however, to have retained some hold of the lands, as the following Sasine minute shows:—22 Der., 1664.—Seasing Jon Gordon of Beldornie of ye toune and landis of Beldornies, comprehending ye lands of Argalies, Lynbaine, myln lands yrof, ye lands of —, ye east and west land of Gouls and salmond [fishing] yrof.

Lyon's possession was evidently insecure; and in 1663 he had recourse to the Justiciary Court at Edinburgh for protection from reiving highlanders, who had settled on the lands of Beldornie. Criminal letters were at his instance issued against them, returnable on 10th July, 1663; but on that day Lyon was excused by the court because he could get no messenger to go and cite them in "Badenough where they lived." By 1st August 1664 the letters were returned, and the accused were declared "fugitives for absence." On 10th November, 1665, one of the Beldornie tenants, John Roy, in Auch-inhandock, was indited before the same court for harbouring and assisting Patrick Roy McGregor and other reivers in stealing 60 oxen and 17 cows belonging to John Lyon. The same day, Roy McGregor and his accomplices were declared fugitives. Early in 1666, one of them, Lauchlane McIntosh, was tried, condemned and executed. The Justiciary proceedings<sup>2</sup> of 25th March, 1667, tell the rest of the story:—

<sup>1</sup> See "The House of Gordon" (New Spalding Club), by J. M. Bulloch. Vol. I., p. 12.

<sup>2</sup> See Justiciary Records, Scottish History Society, Vol. I., pp. 198-200.

The said Pat, being also declared fugitive upon the information and prosecution of the said John Lyon, and letters of intercommuning and commission of fire and sword being direct against the said Patrick, he, in resentment of the said proceedings, vowed to be revenged on the said John Lyon, and in prosecution thereof came to his lands of Belchirie, and the said Pat Drummond came there also with their associatts and plundered them; and the said John Lyon having gone up to the saids lands to defend them, and being lodged in his house of Belchirie, the saids pannells and their associatts upon the last of Aprile, 1666, did besett the house, and brought straw and corn from the barn yards, and fired the same about the house where the said John Lyon and Alexr. Lyon his son were, and forced them out upon capitulation for their lives; and thereafter carryed them away with all their goods, horses and furniture to the Highlands, to the Braes of Abernethie at 16 miles distance from Belchirie, and there killed the said John Lyon and his son, giving them many wounds and strokes, and left their bodys in the open fields; and thereafter quartered upon their lands of Belchirie, and oppressed the poor inhabitants; and thereafter with the number of 40 men did assault the town of Keith in Banffshyre for not paying black maill, and fought against these who opposed them, and in particular agt. Alexander Gordon of Glengaroch, and his brother Thomas Gordon, and John Ogilvie of Milton and their followers, and did wound and mutilate the said John Ogilvie and Thomas Gordon, and the pannells themselves being ill wounded at the time and not able to flee far were taken prisoners the next day, and conveyed from shyre to shyre to the tolbooth of Edinbr., where they are now prisoners, of the which crimes, etc., or ane or other of them, they are actors art and part and ought to be punished.

The assize finds them guilty actors art and part of the hail crimes afore written, whereupon they are sentenced to be taken upon the 27 of March instant to the mercate cross of Edinburgh, betwixt 2 and 4 hours in the afternoon, and there to be execute in manner following, viz.:—The said P. Roy McGregor and P. Drummond their right hands to be first cutt off by the executioner, and then to be hanged to the death, and thereafter their bodies to be hung up in chains upon the gallows betwixt Leith and Edinburgh, and their hail goods to be escheat to His Majesties use, which sentence was accordingly execute. Vide the like sentence agt. their accomplices, 7th of May, 1668.

*Nota.*—This Pat. Roy McGregor was a most notorious and villanous person, but of a most couragious and resolute mind. He was a little thick short man red-haired and from thence called Roy Roy. He had red eyes like a hawk, and a fierce countenance which was remarked by every person. He endured the torture of the boots in the Privy Counsell with great obstinacy, and suffered many strokes at the cutting of his hands with wonderfull patience to the great admiration of

the spectators, the executioner having done his duty so ill that the next day he was deposed for it.

The following sasine minute refers to the eldest son who succeeded:—

15th Aprill, 1668.—Saising Johne Lyone of Muiresk off all and haill the toune and lands of Beldornie, maner place yroff, the toune and lands of Belcherie, Lynbaines, mylne and mylne lands yroff, the toune and lands off Corithstoune, ower and neither Gowles, Litle Leatoch, Achnastank, Achlochies, Achbrek, Lagan, mylne of Lagan and uthers vith the pertinents.

## COMMISSIONERS OF THE SHIRE.

For long all Barons and Freeholders in Scotland were bound to give personal suite and presence at the King's Court of Parliament. This obligation the smaller Barons evaded as irksome, and in 1427 they were by statute relieved of personal attendance, on condition of their electing to represent them two or more Commissioners of the Shire from each county except Clackmannan and Kinross, which were to send one Commissioner each. In 1587 the election of Commissioners was more carefully regulated, and it was then enacted that they must be King's freeholders resident within the shire, that all freeholders of the King under the degrees of Prelates and Lords of Parliament be warned by proclamation to be present at the choosing of Commissioners, and that none were entitled to vote but such as had forty shilling land in free tenandry holden of the King, and had their actual dwelling and residence in the shire. In 1661, proprietors who possessed Church lands valued at ten chalders of victual yearly, or one thousand pounds (all feu-duties being deducted) were enfranchised, and were declared capable of being elected Commissioners. Though the County Records are silent, we know from the Acts of the Parliaments of Scotland that Sir Alexander Abercrombie of Birkenbog represented Banffshire in the Parliament that met at Edinburgh between January 1661 and 1663, while Sir James Baird of Auchmedden, Sheriff Principal of the county, was Commissioner to the Parliament that sat in 1665. Sir Alexander Urquhart of Dunlugus was Commissioner to the Convention of Estates that sat in January, 1667. Though there was then only one representative from Banffshire, the normal representation was two. The following minute recounts the election of two Commissioners of the Shire on 1st October, 1669:

AT and within the tolbuith off the Brughe off Banff the first day of October, Iajvi and sixtie nyne yeires, being the Heid

Michaelmas Court holdine by ane hono<sup>l</sup> gentleman, Sr James Baird of Auchmedden, Knight, Shirreff Prin<sup>l</sup> off the sd Shirreffdome.

The suitts called, the Court being lawfullye fenced and affirmed—

The whilk day the Barrons and Frecholders off the said Shirreffdome being conveyned in obedience to his Maties proclamations for electing and chooscing Comissioners to attend the Parliament to be held at Edinburghe the nynteinth day of October instant, as the sd proclamations of the daitte at Edr the fyfteint day of July last bypast and proclaimed at the mercatt croice off Banff upon the last day off Agust theirefter in themselves proports: Theirfor and in obedience yrunto the saids Barrons did elect, nominat and choose, and be thir pñts elects nominats and chooses the said Sr James Baird off Auchmedden, and Sr Patrick Ogilvie of Boyne, Knight, Comissioners ffor the sd Shirreffdome off Banff to attend the said meiting off Parliament the said day and place, with full power to them to sit, treat and voyce, and to act and doe evry thing else for promoteing of his Maties interest, and tending to the good of this his anncient kingdome, als freeely, fullye and amplie in all respects as any others Coñrs from any of the shyres of the kingdome shall doe, firme and stable holdinge, and have impowered the Shirreff Clerk to subscribe the same, under his hand and seall off the said shyre.

#### THE OGILVIES OF BOYNE.

Sir Patrick Ogilvie, of Boyne, was the eldest lawful son and heir of Walter Ogilvie of Boyne. During the Civil Wars, Walter Ogilvie took an active part on the Covenanting side; and in 1645 Montrose, after his victory at Auldearn, sweeping along the north of Banffshire, harried his lands from Portsoy to Banff. Later, Boyne had so mitigated his enthusiasm for the Covenant as to join the Duke of Hamilton and Charles in the invasion of England, which ended in the defeat of Worcester, an indiscretion for which, on his return home to Boyne, he had to suffer church discipline. In the year of the Restoration, Walter Ogilvie settled on his eldest son the barony and thanedome of Boyne. The law of entail had not then been enacted, and a method of settling real estate on families, before Sir George MacKenzie's Entail Act of 1685, was for a father to create a liferent in himself, and to convey the fee to his heir. In an act<sup>1</sup> of the Scots Parliament, dated 5th September, 1661, the son is designed Sir Patrick

<sup>1</sup> The Acts of Parliaments of Scotland, Vol. VII., p. 410.



Ogilvie of Boyne, Knight, which shows that by that date he had received the honour of knighthood. In 1664 Sir Patrick married Anna, daughter of James, seventh laird of Grant.<sup>1</sup> His father, Walter, died between 30 April, 1666, and 26 October, 1667. On 24 April, 1671, the crown issued a warrant<sup>2</sup> for a charter to Sir Patrick Ogilvie of Boyne of the lands of the barony and thanedome of Boyne, which had been resigned for new infeftment, the holding to be changed from ward to taxward. On 25 August, 1674, a commission<sup>3</sup> was issued to the laird of Boyne to be captain of one of the companies of a new regiment of foot; and on 21 July, 1675, a docquet of the warrant<sup>4</sup> for a charter to Sir Patrick Ogilvie of Boyne, on resignation of James, Earl of Findlater, for new infeftment to Sir Patrick Ogilvie was executed. On 29 May, 1676, Boyne was promoted<sup>5</sup> lieutenant colonell of the Militia regiment of foot in the shire of Aberdeen, the colonel of which was the Earl of Errol. On 23 Sepr., 1678, he received a commission<sup>6</sup> to be captain of a company in His Majesty's new regiment of foot whereof the Earl of Mar was colonel. In 1681, he was created a Judge of the Court of Session under the title of Lord Boyne. On 20th June, 1682, a commission<sup>7</sup> was issued to him to be lieut. colonel of the Militia regiment in the shire of Banff and Erroll's part of Aberdeen, of which the E. of Erroll was colonel. On 1st June, 1677, he received a royal protection<sup>8</sup> against paying annual rents on his mortgages.

18th Maii, 1660.—Seaseing given to Patrick Ogilvie, eldest lawll sone to Walter Ogilvie of Boyne, off the tounes and landes and barrony off the thayndome off Boyne.

29th July, 1662.—Renunciaone Jon Shepherd of Midskeith to Sir Patrick Ogilvie of Boynd of the lands of Culphine.

3 Junii, 1664.—Seasing Mistres Anna Grant, eldest daughter to ye deceist James Grant of Freughie, and apparent spous to Sr Patrick Ogilvie, yer of Boyne, Knyght, of and upon all and sundrie the lands of Buchragie and maner place yrof, together w<sup>t</sup> ye lands of Dallachie and oysr.

30 Aprill, 1666.—Saising Walter Ogilvie off Boynd off all and haill the lands of Achanachie, Culphine, Ordings, with yr pertinents.

26 October, 1667.—Saising Sr Patrick Ogilvie of Boyne, Knight, off all and haill the lands and barronie of Boyne, theirin compre-

<sup>1</sup> See also Sir William Fraser's "Chiefs of the Grants," Vol. I., p. 290.

<sup>2</sup> State Papers (Scotland) Warrant Books, Vol. I., p. 132.

<sup>3</sup> S. P. (Scotland) Warrant Books, Vol. III., p. 44. <sup>4</sup> Do., Vol. III., p. 298. <sup>5</sup> Do., Vol. III., p. 480. <sup>6</sup> Do., Vol. IV., p. 417. <sup>7</sup> Do., Vol. VII., p. 206. <sup>8</sup> Do., Vol. IV., p. 268.

hending the toune and lands of Cowhythe and Scots mylne, the lands of Ardrangang, Cairntoune, Whyntie and Greinfeld, the lands of Threipland and Greincoatts, and uthers with the pertinents.

26 October, 1667.—Saising Sr Patrick Ogilvie of Boyne off all and haill the tounes and lands of Achanachie, Culphine, Rothine and Ordings and uthers with the pertinents.

29 March, 1672.—Saising given to James Ogilvie, merchand in Edr., brother german to Sr Patrick Ogilvie of Boyne, off all and haill eight aikers off land of Badinspink.

6 Jarij., 1673.—Saising given to Sir Patrick Ogilvie of Boyne off all and haill the lands of Frendraught, the lands of Conzie, the templands off Frendraught, the lands and brugh of barronrie of Forgue, the baronrie of Convoy, the lands and barronrie of Kinardie, with divers other lands, barronries, millnes millnelands wods fishings and uthers.

17 Merch, 1674.—Renunciation and grant off redemption of the lands off Whyntie, with the pertinents made and granted be Patrick Ogilvie of Murie, in favours of Sir Patrick Ogilvie off Boyne.

12 Junii, 1674.—Saiscing given to Sir Patrick Ogilvie of Boyne, off all and haill the thanedome of Boyne.

12 Junii, 1674.—Renunciacione and grant off redemptioun off all and haill the toune and lands of Eister Culphine made and granted be Maister James Skiner in Thripland, and Marie Hamiltoune, his spouse, in favours of Sir Patrick Ogilvie of Boyne, knight.

10 Nover, 1675.—Saising given to Sir Patrick Ogilvie of Boyne, off all and haill the lands of Arnabath, the lands of Portsoy, Burgh of Barronrie and harbour therof, the lands of Auchmoir, Moiswards, Kindrought, Rochwillie, Sydeboyne, Aird, Dunies, Sculhendrie and Drumeshillock, with the pertinents.

9 Junii, 1676.—Renunciacione and grant of redemptioun made and granted be Alex<sup>r</sup>. Abernethie, of Auchincloich, of and upon thertie aikers lands of the lands of Portsoy, to and in favours of Sir Patrick Ogilvie of Boyne, knight.

In the Pasch Roll of 1670 the Laird of Auchmedden is taken up and placed immediately after the Laird of Boyne. The Viscount Frendraught, amid his falling fortunes, loses his qualification of Neitherdaill. To the end of roll of 1670 are added David Gregorie for the lands of Neitherdaill, and David Cruickshank 'off Balnoone for the lands yroff.'

## THE GREGORIES OF NETHERDALE, ETC.

David Gregorie, burges of Aberdeen, succeeded his brother Mr. Alexander Gregorie of Neitherdaill, who, in March, 1664, was done to death by the Crichtons of Frendraught.<sup>1</sup> Their father, Mr. John Gregorie, minister of Drumoak, was ancestor of the famous Mathematicians and Doctors of that name. In 1673, the Crown issued a warrant<sup>2</sup> for a charter to David Gregory over Kinardie.

26 Sepr., 1659.—Seasing gevin to Jannet Anderson, relict of the deceist Mr. Johne Gregorie, in lyverent off the toun and lands off Baineshole w<sup>t</sup> the shaddow halff off the town and lands off Over Comistie, w<sup>t</sup> the uthir half off the sds landes off Over Comistie, w<sup>t</sup> the milne and milne lands off Auchentender, w<sup>t</sup> the town and lands off Cragnethertie, w<sup>t</sup> four oxingaitt of the lands off Neyrdaill, w<sup>t</sup> the uyr four oxingaitt of ye sds landes off Neyrdaill, and in speciall warrandice of the lands off Craignethertie and Neyrdaill off aught oxingaitt off the town and lands off Neyr Comistie w<sup>t</sup> the Kirkcroft off sd.

26 Sepr., 1659.—Instrument of Seasing gevin to Jeane Rosse, spous to Mr. Alexr. Gregorie, in lyverent off all and haill the Chapel toun of Neyrdeall and lands yroff, the toun and landes off Milnehill, Windeye, Wettfoot, coble croft, milne and miln landes off Neyrdeall, town and landes of Muriefield, with the salmon fishings and fish boat upon the watr off Dovern.

## THE CRUICKSHANKS OF BALNOON.

3 Merch, 1673 yeirs.—Saiseing given to Isobell Rae, spouse to David Cruikshaink off Balnoone, of all and haill the toun and lands of Kirktowne of Inverkeithnie, and of the croft of the said Kirktowne, and the lands of Ballnone, in conjunct fie and lyverent dureing all the dayes of ther lyftyme.

17th Jary, 1706.—Sasine given to Alex<sup>r</sup> Cruickshank of Balnoon, nearest and law<sup>ll</sup> air male to the decest David Cruickshank of Balnoon, his uncle, of all and haill the toun and lands of Kirktowne of Innerkeithnie and crofts yrof, w<sup>t</sup> ye houses, biggings and pertinents of the samen; all and haill the croft of the sd Kirktown of Innerkeithny, toun and lands of Balnoon, w<sup>t</sup> the houses, biggings, parts, pendickles and ptnents of the samen, lying w<sup>in</sup> the parochine of Innerkeithing nnd Shereffdome of Banff; and all and haill the toun and lands of Litle

<sup>1</sup> Justiciary Records (Scottish History Society). Vol. I., pp. 94, 100-105.

<sup>2</sup> S. P. (Scotland) Warrant Books, Vol. II., p. 312.

Forg and mill yrof, lying w<sup>in</sup> the parochine of Forgue and Shereffdome of Aberdeen.

#### PAYMENT OF COMMISSIONERS OF THE SHIRE.

The practice of stenting the county to pay the charges of the Commissioners of the shire during their attendance at Parliament still obtained, though towards the end of this century it ceased, the Commissioners appointed promising to serve gratuitously.

Banff, 8th Novr., 1670.—The Shreff and Barrons being conveyed for laying on the Comissee<sup>s</sup> chairges to the last two sessions off Parl<sup>t</sup> have recomended for the Shreff's assistanc Rothemay and Kinminnetie to meet and stent for the Comissers chairges, and to report the twentie fourth day off Nov<sup>r</sup>, and ordaines all lands holden off his Matie being ane ffourtie shilling land, and the lands holden off abbacies to be lyable for and pay there proportionall pairt off the Comissee<sup>s</sup> chairges.

#### GORDON OF BELDORNIE.

In the Pasch roll of 1671 the Laird of Muirensk drops out for the baronie of Beldornie, the entry appearing blank. At Michaelmas the entry appears as "the Laird of Beldornie," presumably John Gordon.

24 January, 1670.—Saising John Gordone of Beldornie, of all and haill the toune and lands of Belcherie.

31 May, 1683.—Saisine given to Jon Gordone, elder of Beldornie, and Anna Gordone, his spouse, in lifrent, and John Gordon yor the son, of all and haill that prt and portione of the lands of Belchirie, w<sup>t</sup> the pertinents.

#### THE ABERNETHIES OF AUCHINCLECH AND MEYEN, ETC.

To the same Pasch roll of 1671 was added the name of Alexander Abernethie, off Auchenclech, for these lands; while in next Michaelmas roll the lands of Meyen were added to his qualification. On 25th January, 1671, the Crown issued a warrant<sup>1</sup> for a charter to Alex<sup>r</sup>. Abernethie of Auchincloich, Banffshire.

10 October, 1665.—Seasing Issobell Hackatt, spous to Alex<sup>r</sup>. Abernethie of Auchinclech, of ane yeirlic @rent of three hundreth three score merks Scotts moey to be uplifted furth of the toune and lands

<sup>1</sup> State Papers (Scotland) Warrant Books. Vol. I., p. 84.

of Auchinclech and Ternemnie, furth of any the sd Alex<sup>r</sup> his mylns, woods, fisheings and uys p<sup>nt</sup>lie pteining to him, or qlks shall pteine heirefter w<sup>in</sup> this nation.

10 October, 1665.—Seasing Alex<sup>r</sup>. Abernethie, of Auchinclech, of ye just and equall halff of the toune and lands of Meyen and Quoir, and pendicles yrof called Glennihous and forresters croft, w<sup>t</sup> ye myln and myln lands of Meyen, woods and oys w<sup>in</sup> w<sup>in</sup>.

25 November, 1673.—Saising Issobell Hackat, spouse to Alexander Abernethie off Auchinclech, off the toune and lands of Meyen and Quoir, and pendicles of Meyen callit Glenyhouse and forresters croft, with the pertinents.

14 Jary, 1686.—John Abernethie of Meyan of the lands of Auchincloich, the shaddow plough of the lands of Ternemnie, and lands of Meyan, and lands of Quoir and wthers, with their pertinents, upon a precept of the chancellarie.

#### THE STRACHANS AND STEUARTS OF LESMURDIE.

At Michaelmas, 1671, in place of the entry "the aires and successors of Lesmurdie," appears the entry "the Laird of Lesmurdie for the lands yroff." These heirs and successors were the female descendants of Alexander Strachan of Lesmurdie, who took sasine in 1664 as his heirs portioners. James Steuart, of Achorachan, Glenlivet, husband of the eldest daughter Elizabeth, was entered in the county suite roll of 1671. In S. P. (Scotland) Warrant Books, Vol. V., p. 389, under date 8 June, 1678, occurs a docquet of the warrant for a gift of recognition of the lands of Soccach and Lesmurdie in Mortlich, and then by annexation in Cabrach, formerly belonging to John Watt, portioner of Lesmurdie, John Watt his father and to umq<sup>ll</sup> Alexander Strachan of Lesmurdie, to James, Earl of Airlie.

8 November, 1664.—Seasing Elizabeth, Margaret, Jean, Issobell, and Helen Strachans, coairs portioners servit and retourit to ye deceist Alex<sup>r</sup> Strachane of Lesmurdie yr good sire, of the toune and lands of Eastertoune of Lesmurdie, third pt toune and lands of Invercherach, third pt toune and lands of Auchnastank, and third pt toune and lands of Belchirie.

28th October, 1669.—Saising given to Janet Steuart, spous to Robert Grant in Auchbrek, and Johne Grant his sone, off all and haill four oxgaitte of land of the lands of Lesmurdie, adjacent to the lands called Sockach, with the pertinents yrof.

28 October, 1669.—Saising given to Elizabeth Strachan, spous to James Steuart of Lesmurdie, and Alex<sup>r</sup> Steuart, yr, eldest law<sup>ll</sup> sone, off all and haill the toune and lands off Sockach.

10 Appryll, 1676.—Saiseing given to James Stewart of Lesmurdie and Alex<sup>r</sup> Stewart, his sone, off all and haill the toune and lands of Easter and Wester Lesmurdie, Tombaine, Tombellie, Caldstrye, with the pertinents.

10 Appryll, 1676.—Saiseing given to Elizabeth Strachen, spouse to James Stewart of Lesmurdie, of all and haill the lands of Tombaine, Tombellie, Coldstrye, and . . . with the pertinents.

8 Junii, 1676.—Saiseing given to John fforbes of Invernatie and Kathren Steuart his spouse, off all and haill the toune and lands of Succach, with the stone house yrof, of the four oxingaitt of the easter syde of the lands off the barronrie of Lesmurdie called fforteith tack, as prin<sup>ll</sup> lands, and the rest of the lands of the barronrie of Lesmurdie in speciall warrandice, with the pertinents.

Last December, 1686.—Saising Robert Grantt of Tombreckachie, Janet Stewart his spouse, and Robert Grantt their eldest sone, of the lands of Soccoch and others.

Last December, 1686.—Saising Robert Grantt of Tombrekachie in lyfrent, and James Grantt his second sone in fie, of the lands of Easter Lesmurdie.

18th January, 1686.—Saising Robert Grantt of Tombrekachie of ane yearlie @rent 90 merks out of the lands of Soccoch and others.

Last May, 1693.—Saising Magdalen Crichtoun, spouse to Alex<sup>r</sup> Stewart of Lesmurdie, in lyfrent of the Mayns and Eastertoune of Lesmurdie, the lands of Boighead and Coldstrye, with yr pertinents.

29 Junii, 1697.—Saising James Stewart of Achorachan of the lands of Eastertoune of Lesmurdie, comprehending the third pairt lands of Inverchirach, Achnastank and Bellchirie, and Mylne of Lesmurdie, and the lands of Drywells, Boigehead, Coldstrye, Mylnetoune, Aldluy, Sococh, Forteiths tack and pertinents yrof, within the parochin of Mortlich, upon a charter under the great seall to Alex<sup>r</sup> Stewart of Lesmurdie, and by him assigned and dispoed to the said James Stewart.

The following commission in favour of James Baird, younger of Auchmedden, to be conjunct Sheriff Principal of Banffshire with his father, Sir James Baird, was granted him on account of his services in connexion with the suppression of the highland reivers, who sorned on the lands of Beldornie and Keith referred to on pages 17 and 18.

At and within the tolbuith of the Burghe of Bamff, the twentie tuo day of August, Iajvj& and sevintie tuo yeares.

The whilk day compeired personallie Sr James Baird of Auchmedden, knight, and James Baird, younger theirot, his eldest sone, who produced ane comissione or patent granted to them by our S. L. the Kings Majestie, under his Maties great seall of his ancient kingdome of Scotland, for exerceing of the office of Shirreffship conjunctlie within the bounds and limits of the Shirreffdome of Banff; by which comissione our said S. L. gave, granted and disponed to the sd Sr James Baird of Auchmedden, and James Baird his sone, the sd office of Shirreffship during all the dayes of their lyfytyme, and after the deceise of the sd Sr James Baird to be exerced by the said James Baird his sone, as only Shirreff Prin<sup>n</sup> within the limitts and bounds of the sd Shreffdome during all the dayes of his lyffytyme, with all fees, profeitts, casualities, priviledges and immunities yrto belonging, with power to them to enjoy and apply the samen to their owen proper use, and to elect, nominat and choyse deputs ane or mae (for whom they shall be answerable), and all other serjants and officeirs of court (except the Shirreff Clerk), and to act and doe evry thing else belonging to the sd office of Shirreffship als fullie and ampie in all respects as anie Shirreff Prin<sup>n</sup> within any Shreffdome of the sd kingdome of Scotland heirtofore hath done or shall doe, as the said comissione of the daite after spec<sup>d</sup> in itself bears, which the sd Sr James Baird, and James Baird his sone ordained to be ingr<sup>d</sup> and regrat in the Shirreff bookes of Banff theirin to remayne to future memorie, and whairof the tenor followes thus:—

Carolus Dei gratia Scotiæ Angliæ ffranciæ et Hiberniæ Rêx Fideiq  
Defensor Omnibus probis hominibus suis ad quos presentes literæ  
nostræ pervenerint salutem: Sciatis nos preclare gestas a delectis  
nostris Domino Jacobo Baird de Auchmedden milite præsentè Vice-  
comite Principali vicecomitatus nostri de Bamff et Jacobo Baird juniore  
ejus filio nobis dilucide enotuisse præsertim non ita pridem supprimendo

montanos et exleges in septentrionalibus partibus hujus regni nostri Scotiæ intra limites dicti nostri vicecomitatus ac juridice cohibendo oppressiones et flagitia ab eis in istis partibus nuper commiss eosq deducendo ad condignum supplicium pro eisdem: Atq animo nostro revolventes eorum eximias animi dotes et fidelitatem ad obeundum dictum officium in posterum et satis compertum habentes prefatum Dominum Jacobum Baird fidelititer obiisse dictum officium Vicecomitis a tempore ejus admissionis ad idem incipieñ mense februarii anno domini millesimo sexcentesimo sexagesimo quarto secundum nostram donationem sibi sub nostro magno sigillo catenus concessam: Et nos pro causis antedictis non solum volentes memoratum dominum Jacobum Baird in fungendo dicto officio durante ejus vita persistere, verum etiam serio cupientes pro eorum uberiori incitamento prefatum Jacobum Baird ejus filium sibi in dicto officio jungere durañ omnibus eorum vitæ diebus conjunctim quem volumus gaudere et frui antedicto officio per semetipsum solum post obitum dicti Domini Jacobi Baird sui patris pro toto tempore suæ vitæ: Igitur fecimus constituimus et ordinavimus tenoreq̄ pntium facimus constituimus et ordinamus memoratum Jacobum Baird seniore de Auchmedden militem pñtem Vicecomitem Principalem prædicti vicecomitatus nostri de Bamff et prefatum Jacobum Baird Juniore ejus filium junctos Vicecomites Principales antedicti vicecomitatus nostri de Bamff intra universas limites jurisdictionem et bondas ejusdem: Idq durañ omnibus eorum vitæ diebus conjunctim et post obitum dicti domini Jacobi Baird antedictum Jacobum Baird ejus filium per semetipsum solum et unitum Principalem Vicecomitem ejusdem vicecomitatus nri de Bamff: Ac dedimus concessimus et disposuimus tenoreq̄ presentium damus concedimus et disponimus eis durañ spatiis antedictis idem officium Vicecomitis cum universis feodis proficuis casualitatibus privilegiis et emolumentis eo pertineñ et spectañ: Cum plena potestate eis durantibus spatiis ante dictis eadem percipiendi et levandi et ad proprios suos usus applicandi deputatos unum seu plures (pro quibus respondere tenebuntur) creandi et substituendi officarios serjandos adjudicatores et cuncta alia curiæ membra necessaria (demptis clericis) nominandi creandi et constituendi: Et generaliter omnia alia et singula necessaria dictum officium et executionem ejusdem tangeñ agendi præstandi et exercendi tanta cum libertate et amplitudine in omnibus respectibus sicut quicunq alius



Vicecomes Principalis cujusvis alius vicecomitatus in dicto regno nostro Scotiae simile officium de pñti possidet et gaudet vel quovis tempore retroacto possedit et gavisus est: Mandamus cunctis nostris subditis ut prefatis dominis Jacobo Baird et Jacobo Baird ejus filio in executione dicti officii Vicecomitis parate morem gerant pareant et obtemperent. In cujus rei testimonium presentibus magnum sigillum nostrum appendi precepimus apud aulam nostram de Whythall vigesimo primo die mensis Octobris anno Domini millesimo sexcentesimo sexagesimo octavo et anno regni nostri vigesimo per signaturam manu S. D. N. Regis suprascriptam, et sic a tergo subscribitur: Writtin to the great seall the nyntieint of Julj, 1672, Will Kerr: Sealled at Ed<sup>r</sup>., the tuentie tuo day of Julj, 1672, Jo. Cuninghame. After reading of the which comissione the sd Sr James Baird, and James Baird his sone asked instruments, and the said Sr James Baird did take the sd James Baird his oath de fidei administratione, and did take the declaratione in maner following, and the oath off alledgence:

I, James Baird, doe sincerely affirme and declare that I judge it unlauffull to subjects upon pretence of reformatione or uther pretence whatsomever to enter into leagues and covenants, or to take up armes against the King or those commissionat by him, and that all these gatherings, convocations, petitions, protestations and erecting and keeping off councill tables that wer used in the begining, and for carying on of the late troubles wer unlawfull and seditious, and particularlie that these oaths whairoff the on wes comonlie called the Nationall Covenant (as it wes sworne and explained in the yeir Iajvj& and threttie eight and theirafter), and the other entituled a Solemne League and Covenant wer and are in themselves unlauffull oaths, and wer takine by and imposed upon the subjects of this kingdome against the fundamentall lawes and liberties off the same, and that their lyeth no obligatione upon me or any of the subjects from the saids oaths or eyr of them to endeavour any change or alteratione of the government either in church or state, as it is now established by the lawes of the kingdome.

JAMES BAIRD.

James Baird, yr., died before August, 1681, when Sir George Gordon of Edinglassie was conjoined with his father as Sheriff Principal.

29 July, 1673.—Saising James Baird, younger of Auchmedden, and Lady Katherine Hay, his spouse, in lyverent off all and hail the toune and lands of Minonie, milne and milne lands, the toune and lands of old and new Draidleonds, with the pertinents.

9 August, 1684.—Saisine given to Laddy Kathrin Hay, relict of the deceist James Baird fiar of Auchmedden, and to James Baird yor of Auchmedden, now her son, of all and hail the pleughe of land called the new toune of Northfield, w<sup>t</sup> the pertinents.

9 August, 1684.—Saisine given to Laddie Kathrin Hay, relict of the deceist James Baird fiar of Auchmedden, of all and hail the toune and lands of Little Byth, w<sup>t</sup> the pertinents.

17 August, 1686.—Saising Lady Kathren Hay . . . of ane yearly @rent of 600 merks out of the mylnes and mylne lands of Auchmedden and Pittgar.

#### THE HAYS OF RANNAS AND MULDAVIT.

In the suite roll of Pasch, 1672, instead of the old entry, "The aires and successors of James Hay of Rannas for the lands of Muldavit," appears "The laird of Rannas." The genealogy of this family is treated by Dr. Cramond in a paper published by the Banffshire Field Club in their transactions of 7th February, 1889. They are given in some detail here, because several of this family took part in county administration. They are descended from the Hays of Lenplum, cadets of the Tweeddale family. George Hay, rector of Rathven in the falling fortunes of the Church of Rome, was able to obtain a grant of the barony of Rathven, including Rannas, Freuchny, Fyndachtie and Farskyne. He subsequently sided with the Reformers, and married. He was succeeded by James Hay of Rannas, c 1592, who married Katherine Dunbar of Grange and Burgie in 1603, and had issue (1) George Hay of Rannas; (2) James Hay of Muldavit, who died in 1656; (3) John Hay of Langshed; (4) Andrew Hay of Darbreich, who lived at Nethermiln and Edingeith; (5) William Hay of Clunchill, ancestor of Freuchny; (6) Katherine, and (7) Anne. In 1626, John Duff, elder and younger of Muldavit, disposed to James Hay the lands of Muldavit, and he gave them to his second son, James. George Hay succeeded, probably about 1630. He married Agnes Guthrie, daughter of Guthrie of Guthrie, Bishop of Moray. They had issue (1) James Hay of Rannas; (2) Alexander Hay of Arnboth, who died in 1698; (3) Captain John Hay of Echries, and (4) Joseph Hay. George died in 1654, and was succeeded by his eldest son, James, who

appears in the suite roll of the county of 1664. He married, in 1645, Margaret, daughter of Gordon of Park. They had issue (1) James Hay of Rannas, who succeeded in 1666, and is the "laird of Rannas" mentioned in the suite roll of 1672, when he attained majority, and (2) Andrew Hay of Mountblairy. James Hay died between Pasch and Michaelmas, 1666. His successor James Hay was during his minority under his uncle John Hay of Echries, as tutor. He married Margaret, daughter of Gordon of Glengerrack, and had issue (1) Charles Hay, born 1688, who succeeded, and (2) James Hay, merchant, Banff, who married Helen Lauder, the Dowager Lady Banff.

#### GARDEN OF TROUP.

In the suite roll of Pasch, 1672, a marginal note states that the Laird of Troup was minor. The Gardens acquired Troup in 1654, when Major Alexander Garden, who had served under Gustavus Adolphus in Sweden, returned to Scotland and purchased it. It was formerly a possession of the Keiths. Major Garden was succeeded by his son, Alexander, c 1663. In 1683, he wrote for Sir Robert Sibald an interesting account of the north side of the coast of Buchan, including Gamrie, published in the "Collections of the Shires of Aberdeen and Banff," issued by the Spalding Club. He married Bathia, daughter of Sir Alexander Forbes of Cragievar. 28th Agust, 1663.—Seasing Alex<sup>r</sup> Gairden of Troup of all and haill the lands and barronie of Troup, and maner place yrof.

In the Pasch roll of 1672, the "Laird of Birkenboge, for the lands of Galcors," is taken up and placed immediately after Auchmedden. The qualification of Quoir is added to Alexander Abernethie of Auchinleck and Meyen. In the Pasch roll of 1673, Sir Harye Guthrie of King-Edward is entered for the lands of Dunlugus and Muirden; while for Mr. Thomas Thomsone there is substituted "William Seatone ffor the lands of Todlaw." To the end of the Pasch roll of 1675 is added "Walter Leslie of Tulliche for ye lands yrof."

At the Michaelmas court of 1675, several additions were made to the roll of Freeholders.

#### Michelmes Court, 1675.

CURIA Capitalis Vicecomitatus de Bamff tenta in pretorio burgi de Bamff per Dominum Jacobum Baird de Auchmedden Vicecomitem Principalem dicti vicecomitatus et Georgium Steuart ejus deputatum primo die mensis Octobris anno Domini millesimo sexcentesimo septuagesimo quinto quo die sectis vocatis Curia legitime affirmata fuit.

Roll as given before, with the following additions:—

Sr. William Keith off Ludqharn for the lands off Northfeild.

Walter Grhame off Garters for the lands off Monbletone and ffortries.

William Cumming off Achry.

John Ramsay off Meilrose for the lands yroff, and ffor the lands of Tortries.

Walter Ogilvie off Reidhyth for the lands yroff.

Johne Leslie off Kininvie for the lands yroff.

The tutor off Grant for his lands off Medderclunie and Clunemore.

George Cuming, Provost of Elgin, for his lands off Bregachie and Lochterwandich.

Sr. Robert Innes off Kinermonie for the lands yroff.

The Laird of Pluscarden for the lands off Auchmadies.

Alexr. Duff for his lands off Lettach and Auldachlagan.

Alexr. Leslie for his lands of Bochrone.

The aires and successors of Alexr. Grant off Allachie for the lands of Bochrone and Milnetone.

The Wassalls off the abbacie off Aberbrothock.

The Wassalls off the abbacie of Couper.

The Wassalls off the abbacie of Kinloss.

The Bishop off Aberdein.

The Bishop off Murray.

The Parson off Rathven.

At the Michaelmas Court of 1676, Sir William Keith of Ludquharn, Walter Grhame of Garter and John Ramsay of Melrose drop out of the list, Ramsay re-appearing again in the Pasch roll of 1681 for Melrose.

#### RAMSAY OF MELROSE.

2 Ap., 1659.—Seasing given to Margret Meldrum, spous of James Ramsay in Melrose, of the landes and milne yroff.

2 Ap., 1659.—Seasing Johne Ramsay, eldest law<sup>ll</sup> sone of the sd James Ramsay, of the lands of Melrose milne yroff.

#### THE CUMINES OF LOCHTERVANDICH AND AUCHRY.

6th September, 1657.—Seasing giving to Georg Cuming, bailzie burges of Elgine, and William Cuming his son, of the half davach landes of Lochterwandich, and half davach landes of Bregauch.

8 Feb., 1659.—Seasing given to Georg Cumen, provest of Elgine, of the reversion of the landes of Lynemore and Succoth.

6 Sep., 1659.—Seasing given to Georg Cumming, bailzie burges of Elgine, and William Cumming his sone of the half davach landes of Lochtervandich, and half davoch landes of Bragauch, with the pertinents.

12th Febr., 1674.—Saising Issobell Gordoune, spouse to William Cuming of Auchry, off all and haill the lands callit the litle Guishaugh, with the pertinents.

17 Nover., 1675.—Saiseing given to William Cumeing of Auchray of all and haill the reversione of the toune and lands of Lynmoir and Suckoch.

30 January, 1685.—Sasing George Cuming, provest of Elgine, and Wm. Cuming of Achry his sone in fie of the half dauch lands of Lettervandich and half dauch lands of Brekachie, with the other half dauch and milne thereof, with yr pertinents, upon a charter under the great seall.

The Cumens<sup>1</sup> of Lochtervandeck, now represented by the Cumines of Rattray, trace their descent from Duncan, second son of Sir Richard Cumming of Altyre, who died in 1384. George Cumen was eighth in descent, and was provost of Elgin for nearly thirty years. His son, William, married, as his first wife, a daughter of John Gordon, provost of Banff. The village of Cuminstown, on the Auchry estate, is called after the family.

#### WALTER OGILVIE OF REIDHYTHE.

Walter Ogilvie of Reidhythe, founder of the Reidhythe educational benefaction to Fordyce Academy and to King's College, Aberdeen, was originally designed of Bankhead. On 24th April, 1671, there was issued by the crown a warrant<sup>1</sup> for a charter to Walter Ogilvie of Bankhead over Meikle and Little Bogtounes, upon resignation of James Earl of Findlater, these lands to be erected into the barony of Reidhythe, holden of the King. These lands were mortified by Walter Ogilvie for the educational purposes mentioned, but, as the holding was really a wadset from the Earl of Findlater, Reidhythe was in course reacquired by the Findlater family, and the price of redemption invested in other lands in Aberdeenshire.

<sup>1</sup> See "History of the Cumines of Lochtervandeck," by James Cumine of Rattray, 1887.

26 Nov., 1657.—Seasing given to Walter Ogilvie of Bankhead of the toune and landes of Over and Nether Auchmillies, Radin —, Wandless and uys yrin conteaned.

23 May, 1659.—Seasing Walter Ogilvie of Reidhythe of the toune and landes of neyr Bogtoun.

23 May, 1659.—Renunciacione and grant of redempcion, Walter Ogilvie of Reidhyth, in favor of Walter Ogilvie of Boyne.

25 May, 1663.—Renunciacione of the tounes and lands of over and neyr Auchmillies, the lands of , the lands of easter Tillinaught called Wandless, and ane pt of the lands of Draichadlies, granted be Walter Ogilvie of Bankheid to James Earle of Findlater.

25 May, 1663.—Backbank and reversione Walter Ogilvie of Bankheid to James Earle of Findlater of the toune and lands of Reidhyth, and Meikle and Litle Boigtouns.

10 Junii, 1663.—Seasing Walter Ogilvie of Bankheid of the tounes and lands of Reidhyth, Meikle and Litle Boigtouns, w<sup>t</sup> ye fishings yrof.

10 September, 1664.—Renunciacion Alexander Shand in Bogtoun, in favours of Walter Ogilvie of Bankheid, of the toune and lands of Over Bogtoun.

6 Junij, 1672.—Saising given to Walter Ogilvy off Bankhead of all and haill the toune and lands of Reidhythe, and the toune and lands of Meikle and Litle Boigtouns with the fishboats off Reidhythe and others, with the pertinents.

#### THE LESLIES OF KININVIE AND TULLICH, ETC.

The Leslies of Kininvie, cadets of the Earls of Rothes and the Leslies of Balquhain, acquired the estate of Kininvie, Mortlach, in 1521, from John, Earl of Athol, Lord of Balvenie. The first laird Alexander, in 1525, built the present house of Kininvie. His third son George, of Drummuir, was grandfather of Alexander Leslie, the soldier of fortune who became first Earl of Leven. In 1870, Colonel A. Y. Leslie of Kininvie compiled a family tree from the following sources:—(1) Colonel Leslie's "Historical Records of the family of Leslie"; (2) Charters including the Kininvie entail and other family documents; (3) Douglas Peerage; (4) Inscriptions in the family burying place in Mortlach, and (5) from the family bible, which he says is a true record since 1625.

<sup>1</sup> State Papers Warrant Books (Scotland), Vol. I., p. 132. P.R.O.

According to this pedigree, Isabella, aunt of John Leslie 6th Laird of Kininvie, was mother of Archbishop Sharp of St. Andrews. The following sasine minutes, relative to Leslies in Mortlach, etc., illustrate the ramifications of the Leslies of Kininvie, etc., and correct some statements in the family tree referred to.

20th August, 1657.—Seasing given to William Leslie in Miltoun of Balvenie, and Marjorie Grant<sup>1</sup> his spous, of the saides landes of Miltoun.

20 Augt., 1657.—Seasing given to Walter Leslie of Tullich, and Elspet Leslie his spous, of the landes of Meikle Tullich.

20 Augt., 1657.—Seasing given to Alexander Leslie in Bochrone of all and haill the east pleugh of the lands of Bochrone.

1st Jany, 1658.—Seasing Alexr. Leslie, at Milne of Potglassies, of the lands of Tulloch.

23 May, 1659.—Seasing given to Alexr. Leslie of Tullochallum of half davach landes of Enoches and Belnaboe.

5 Junii, 1660.—Seaseing given to Johne Lesley in Cluniemore of the halff dauch toune and landes of Enochies and Tombellie.

8 Januar, 1664.—Seasing John Lesley of Enochs and his spous of ye toune and landes of Parkbeig.

24 Agust, 1664.—Seasing Jon Leslie, yor of Parkbeg, of the toune and lands of Bomakelloche.

8 Der., 1664.—Renunciatiōe Jon Leslie of Mudhouse of the six oxegate lands of ye davauch of Drumquhirriche in favoure of W<sup>m</sup>. Murray portioner yrof.

22 October, 1667.—Saising Johne Leslye off Kininvye<sup>2</sup> off all and haill the dawache toune and lands off Kininvye vith the maner place yroff and uthers, vith the pertinents.

24 Febri, 1668.—Saising Christan Douglas,<sup>3</sup> spous to Walter Leslye off Tullich, off the toune and lands of Meikle Tullich and others, with the pertinents.

29 November, 1673.—Renunciatiōe of the toune and lands of Bomakelloch with the pertinents, made and granted be Johne Leslie of Parkbeg, in favors off Adam Duff of Drumuir.

<sup>1</sup> Daughter of Alexander Grant of Allachie. Sir Wm. Fraser's "Chiefs of the Grants," Vol. I., p. 512.    <sup>2</sup> Sixth Laird of Kininvie.

<sup>3</sup> Daughter and heir portioner of Dr. Alexander Douglas of Dounies, Provost of Banff.

3 Nover., 1675.—Saiseing given to Kaithren Hamiltoune, spouse to John Leslie of Meyr Clenie, in conjunct fie and lyverent of all and haill ane yearlie @rent of threscore pundis Scots, to be uplifted furth of the wester four oxingait lands of Meyr Clenie, with the pertinents.

22 Jarij., 1678.—Saiseing given to John Lesly of Parkbeeg off all and haill the easter halfe off the toune and lands off Lettoch.

15 May, 1678.—Renunciacione made be Christian Dowglas, spouse to Walter Lesly of Tullich, and he for his interest off and upon all and haill the lands of Wester Drachadlie.

3 Sept., 1683.—Saisine given to Alex<sup>r</sup>. Leslye, eldest law<sup>ll</sup> son to Jon Leslye of Kininvie and Jannet Hameltoune his spouse, and longest liver of y<sup>m</sup> tuo, of all and haill the lands called the Garres lot, w<sup>t</sup> the pertinents.

6 Sepr., 1683.—Saisine given to Alex<sup>r</sup>. Leslye, yor of Kininvie, and Janet Hamiltoune his spouse, the longest liver of y<sup>m</sup> tuo, of all and haill the toune and lands of Ordings, w<sup>t</sup> the pertinents.

18 Oct., '83.—Saisine given to Walter Leslye of Tullich and Mr. John Leslye his son, in fie of all and haill the toune and land of  
, with the pertinents.

1st Junii, 1692.—Saising Alexander Leslie of Kininvie, and Janet Hamiltoune his spouse, in lyfrent of the Castle of Banff, hill and yeard therof, on a charter under the great seall.

24 October, 1692.—George Leslie of Tullich of the lands of Meikle Tullich and pendicle therof called Braiklaichfold, with yr pertinents, upon a precept out of the Chancellarie.

28 October, 1692.—Saising George Leslie of Tullich of the lands of Achinhamper mylne and mylne lands yrof, and sume third pairt of the lands of Dounies, etc.

28 Octor., 1692.—Saising Nicola Gordon, spouse to George Leslie of Tullich and Braiklochfold, etc.

Last May, 1693.—Renun. John Leslie of Parkbeg, in favours of the Duke of Gordon, of the lands of Enochs and Tombellie, with yr pertinents.

3rd Nor., 1693.—Saising Alexander Leslie, yor of Bochrom, and Mary Grantt his spouse, in lyfrent of the lands of Bochrom.



12 Jary., 1700.—Saisine Alex<sup>r</sup>. Leslye of Kininvie, of Easter Buchrome.

12 Jary., 1700.—Saisine James Leslye, sone to Johne Leslye of Kininvy, of the lands of Meikle Tullich.

10 June, 1701.—Sasine to Alexander Leslie, your. of Kininvie, of all and haill the lands of Easter Buchrome, stock and teynd yroff.

10th June, 1702.—Renunciation by Anna Gordon, relict of the decest Alex<sup>r</sup>. Lesly of Buchrome, of his lyfrent right of the lands of Easter Buchrome in favors of Alex<sup>r</sup>. Lesly, yor of Kininvie, lying in the paroshine of Mortlich.

25 June, 1703.—Sasine to Mr. James Lesly of Tullich and Hellen Carmichell his spouse, of all and haill the lands of Easter Buchrome, stock and teynd yroff, w<sup>t</sup> the mannör place and others within the parochin of Mortlich.

18th Jarij, 1705.—Sasine to John Lesly of Kininvie of all and haill the lands and crofts called the Gereslot lying near the Brugh of Banff, all and haill the mannor place and Castell of Banff, castlehill, castle yeard, kill, kill-barn, malt, coable, w<sup>t</sup> the houses and pertinents yrof . . . but w<sup>t</sup>out the liberties and territories of the sd Brugh.

9th February, 1706.—Sasine to James Lesly of Tullich of all and haill the davauch lands of Kininve, and haill pertinents of the samen.

4th June, 1706.—Sasine to James Lesly of Tullich of all and haill the davach lands of Kininve, mannor place yrof, and ptenents of the samen, lying w<sup>in</sup> the parochin of Mortlich, lordship of Balvenie and Shireffdome of Banff.

#### THE TUTOR OF GRANT.

The tutor of Grant,<sup>1</sup> Patrick, second son of Sir John Grant, sixth of Freuchie, Chief of the Grants, became in 1663 tutor to his nephew Ludovick eighth of Freuchie then in minority. He held for some time a commission in the army as Lieutenant Colonel. He had three daughters, one of whom Mary married Patrick Grant or MacAlpine of Rothiemurchus. They are ancestors of the present laird of Rothiemurchus John Peter Grant Sheriff Substitute of Inverness.

<sup>1</sup> Fraser's "Chiefs of the Grants," Vol. I., pp. 238, etc.

INNES OF KINERMONIE.<sup>1</sup>

Robert Innes, 5th baron of Innermarkie, acquired from Lord Ochiltree the lands and barony of Balvenie on a charter under the great seal, dated 1615. Thereafter, the family took as their chief title Balvenie. On 12th February, 1631, Robert Innes was created by Charles I., a baronet of Nova Scotia with the title of Balvenie. He had two sons, Sir Walter, second baronet of Balvenie, who succeeded to the greater part of Balvenie, and William, who received Kinermonie, part of the lordship of Balvenie, as his portion. Sir Walter was succeeded by his son, Sir Robert Innes, as 3rd baronet. Both supported the crown during the civil wars, and in consequence their estates became involved in debt, and their part of Balvenie was sold. Sir Robert dying without issue was succeeded by the cadets of Kinermonie, who thereupon took up the baronetcy. The Inneses of Edingeith now represent this family, and hold the baronetcy of Balvenie.

First febric, 1694.—Saising Sir George Innes of Dunoon as air to the deceast William Innes of Kinermonie his uncle, of the lands, mylne and fishings of Kinermonie and teynds and pertinents.

First febric, 1694.—Saising James Innes of Ortoune of the dauch lands of Kinermonie, mylne and salmond fishings belonging yrto.

## ACHMADIES, BOHARM.

The estate of Auchmadies in the parish of Boharm, and now embraced within the bounds of Arndilly, for long belonged to the Chiefs of the Grants. It was sold by them to the Grants of Arndilly, cadets of the Chiefs of the Grants, between 1774, and 1785.<sup>2</sup> The entry in the suite roll of the Laird of Pluscarden for the lands of Auchmadies ceased at Michaelmas, 1677.

1st November, 1687.—Saising Colline MacKenzie of Pluscarden, air to umq". Thomas McKenzie of Pluscarden, his father, of the dauch lands of Achmadies . . . upon a precept out of the chancellarie.

## DUFF OF KEITHMORE.

Alexander Duff of Keithmore, Mortlach, eldest son of Adam Duff of Clunybeg, also in Mortlach, was born c. 1623. His holding of Keithmore was a wadset from the Marquess of Huntly, afterwards Duke of Gordon, and was redeemed by the superior on 27th May, 1692. He

<sup>1</sup> Cramond "The Castle and Lords of Balveny, 1892."

Shaw's "Moray," Vol. I., pp. 183-4. Edn. 1882.

<sup>2</sup> Fraser's "Chiefs of the Grants," Vol. I., p. 450.

married, c. 1649-50, Helen Grant, daughter of Archibald Grant of Bellintomb, a cadet of the Chiefs of the Grants, and not daughter of Alexander Grant of Allachie, Bellintomb's brother, as Shaw and Sir William Fraser in his "Chiefs of the Grants" assert. The mistake probably arose because she, her husband and her son, Alexander of Bracco, succeeded to some of the possessions of her uncle Alexander Grant of Allachie. Alexander Duff's first holding of land is said to have been Succoth, which he acquired c. 1650. By Michaelmas, 1675, Allachie had died. At that Head Court Keithmore was entered in the roll for Lettach and Auldachlagan; and, at the Michaelmas Court of 1677, he was entered for Allachie's possessions of Bochrom and Millnetoune in addition to his old holding. A year later, he had Bracco in Grange also added to his holdings mentioned in the suite roll.

For long Keithmore acted as Baron Bailie in the Marquess of Huntly's Baron Court of Auchindoun. He had three sons, Alexander of Bracco, William of Dipple, and Patrick of Craigston, and three daughters, Margaret, who married in 1676 James Steuart of Achorachan and Lesmurdie, Jean, who married in 1680 Mr. George Meldrum, minister of Glass, afterwards laird of Crombie Marnoch, and Mary, who married in 1684 Dr. Andrew Fraser, Physician, Inverness, and, in 1710, Thomas Tulloch of Tannachy, Morayshire. His wife died c. 1694, and he c. 1700. Both are buried in Mortlach. Additional interesting information regarding Keithmore and other Duffs will be found in the "Book of the Duffs," by A. & H. Tayler, 1914.

The following Sasine Minutes, besides shewing the accumulation of the Duff estates by Alexander of Keithmore, elucidate the family relationships.

24 August, 1657.—Seasing given to Alexander Duff off Succoth and Helen Grant his spouse, of the landes of Letoch and Auldauchlaggan, with the pertinents.

November, 1657.—Seasing given to Alex<sup>r</sup>. Duff of Sockach of the third part landes of Belcherie called the Sockach, and four oxgate landes of Lesmurdie next adjacent, with the pertinents.

18 June, 1658.—Seasing given to Alex<sup>r</sup>. Grant of Allochie of the landes of Belmareon.

26 Apryll, 1660.—Seasing given to Alex<sup>r</sup>. Grant off Allochie off the toune and landes off Sheanlachie.

26 Apryll, 1660.—Seaseing given to Alex<sup>r</sup> Duff off Letoche of the toune and landes of Pittivaich, Fittie, brewhouse yrof, milne of Pittivaich, milne landes yrof, and landes of Shean[lachie.]

16 Agust, 1663.—Seasing Alex<sup>r</sup> Grant of Allachie and his spouse of the lands of Allachie, and salmond fishings yrof.

4 Aprill, 1666.—Seasing Alex<sup>r</sup>. Duff off Letach off the tuo oxgaitte toune and lands of Eister Mederclunie teynd sheaves theroff, with ye pertinents.

5th Nov., 1672.—Saising given to Alex<sup>r</sup> Grant of Allochie, and Margaret Grant his spous, in conjunct fie and lyverent the longest liver of them tuo, and to Alex<sup>r</sup> Duff, eldest law<sup>ll</sup> sone of Alex<sup>r</sup> Duff of Lettoch, in fie of all and haill the toune and lands of Midd and Wester Bochrone, with the multurs.

6th May, 1673.—Saseing Alex<sup>r</sup> Duff of Keithmoir in lyverent, and Alex<sup>r</sup> Duff, his eldest law<sup>ll</sup> sone, in fie of all and haill the half dahaughe toune and lands of Bellihack and pendicle yroff callit Lynemoir.

18 Junii, 1674.—Saiseing given to Alex<sup>r</sup> Duff of Lettoch, and Hellen Grant his spouse, in liverent of all and haill the toune and lands of Lettoch and Auldachlagan.

18 Junii, 1674.—Saiseing given to Alex<sup>r</sup> Grant of Allachie, and Margret Grant his spouse in lyverent, and Alex<sup>r</sup> Duff ther nephew, in fie of all and haill the toune and lands of Middel and Eister Buchrome.

18 Jully, 1676.—Saiseing given to Margrat. Duff, eldest law<sup>ll</sup> daughter to Alex<sup>r</sup> Duff of Letach, in all and haill the tounes and lands of Auchorachen and Auchbreck, with the pertinents.

1 Agust, 1677.—Saiseing given to Alex<sup>r</sup> Duff of Succoch and his sone in fie of all and haill the toune and lands of Lynemoir, Delachame and uys.

8 Junii, 1678.—Resignatione granted be Alex<sup>r</sup> Duff, elder and yor. off Keithmoir, off the halfe dawache of Belliehack and Lynmoir and uys, with the pertinents, in favours of Adam Duff of Drumuyr.

17 September, 1678.—Saiseing given to Alex<sup>r</sup> Duff, elder, of Lettoch, and to his sone in fie upon the toune and lands of Ferm-toune and uys.

22 October, 1678.—Saising given to Alex<sup>r</sup> Duff of Lettoch and his spouse in lyverent, and there sone in fie all and haill the lands of Medderclunie, Meddercluniebeeg, and eight oxingaite of Millntoune of Ballwenie.

18 Sepr., 1679.—Saisine given to Alex<sup>r</sup> Duff of Letoch of all and haill the toune and lands of Keithmore, millne of Auchindoune and milltoune yrof, w<sup>t</sup> the pertinents.

19 Sept., 1679.—Saisine given to Helen Grant, spouse to Alex<sup>r</sup> Duff of Letoch, of all and haill the half davach lands of Leachie, with the pertinents in warrandice.

6 Febr., 1680.—Saisine given to Jean Duff, second law<sup>ll</sup> daughter to Alex<sup>r</sup> Duff of Keithmore, in liferent and conjunct fie dūreing all the dayes of her lifytyme, of all and haill the toune and lands of Reidfoord.

3 Appryle, 1683.—Saisine given to Alex<sup>r</sup> Duff of Keithmoir, and Alex<sup>r</sup> Duff of Bracco, his eldest law<sup>ll</sup> son, of all and haill the davach lands of Turttrie, with the lands of Coldhome and Idintor, all and haill the lands and lordship of Balvenie, with the toure fortalice and maner place yrof, millnes and millne and millne lands, w<sup>t</sup>. the pertinents.

Last December, 1687.—Backband William Duff of Diple, in favours of Alexander Duff of Bracco, about the reversione of the lands of Keithmore and Cluniebeg, and pertinents thereof.

Last August, 1688.—Alex<sup>r</sup> Duff of Keithmoir of ane yearly @rent of 300 merks out of the lands of Edinglassie and Invermurkie, and pertinents therof.

27 May, 1692.—Renunciacione Alexander Duff of Keithmoir in favours of his Gr. the Duke of Gordon, of the lands of Keithmoir, and mylne and mylnetoune of Auchindoune, and lands of Cluniebeg and Shenwall, w<sup>t</sup>. yr. pertinents.

First Junii, 1692.—Saising Patrick Duff, sone to Alexander Duff of Keithmore, of ane yeirly @rent of 120 libs. out of the lands of Muries and Coldhames, w<sup>t</sup> yr. pertinents.

#### JOASS OF COLLEONARD.

At the Pasch Court of 1676, appears for the first time the entry:—"Mr. William Joass, for his lands of Collynwart, Paddocklaw, Dennheid and Whyttutie." Mr. Joass, gospeller in Alvah, and his family are referred to in Dr. Cramond's "Annals of Banff," and in the Editor's "Seafeld Correspondence."

20 September, 1662.—Seasing Thomas Joiss of Cullynvart of ye kirktoune and kirklands of Inverboyndie.

27 Jary., 1663.—Seasing Thomas Joiss of Culynvart of ye toune and lands of Easter Cullynvart.

25 Junii, 1663.—Seasing Thomas Joiss of Cullynvart of ye toun and lands of Bogheid and Bogland Croft.

4 Junii, 1664.—Seasing Thomas Joiss of Cullynwart of and upon the toune and lands of Wester Cullynwart.

28 July, 1664.—Seasing Thomas Joiss of Cullynwart of the toune and lands of kirktoune of Inverboyndie, w<sup>t</sup> ye myln and myln croft.

20 January, 1666.—Seasing Mr. William Joiss, preacher of the gospell at the Eastferrie, of the kirktoun and kirklands of Inverboyndie, myln of Boyndie.

20 January, 1666.—Seasing the sd Mr. W<sup>m</sup>. Joiss of the toune and lands of Wester Cullynwart.

20 January, 1666.—Seasing the sd Mr W<sup>m</sup> Joiss of yt pt and portione of the lands of Dahaughe of Banff, called the neyr Dahaughe, and yt pt and portione of the lands of over Dahaughe called nēyr Lochlaverock, and yt pendicle of ye sd Dahaughe called Peperfold as prin<sup>l</sup> lands, and in speciall wāndice all and hail that three eichte pairts of three netts salmond fisheing of ye water of overrack on ye water or river of Doverne, w<sup>t</sup> the priveledge of fisheing be coable and nett laying and dames and maintainance yrof.

20 January, 1666.—Seasing the sd Mr W<sup>m</sup> Joiss of ye toune and lands of Boighead and Boigland yroff.

20 January, 1666.—Seasing the sd W<sup>m</sup> Joiss of the toune and lands of Wester Cullynwart.

22 Junii, 1667.—Saising Mr William Joiss off Collynvart off and upon the tounes and lands of Pydeocklaw, and ane croft of land appertaining to the toune and lands of Culbeuchlie and uthers, with the pertinents.

5th Agust, 1669.—Saising Mr. William Joasse of Collynvart off all and hail the toune and lands off Culbeuchlye, with the pertinents.

28 Merch, 1673.—Backbond containing reversione of the toune and lands off Eister and Wester Collynwarts, Paddocklawes, Eister and Wester Culbeuchlies, Denhead and Whytoutie granted be Mr William Joasse of Collynvart in favors of James Earle off Findlater.

8 August, 1673.—Saising Mr. W<sup>m</sup>. Joass off Collynvart off all and hail the toune and lands off Eister and Wester Collynwarts, Paddocklawes, Easter and Wester Culbeuchlies, Denhead and Whytoutie, with the pertinents.

To the Roll of the Michaelmas Court of 1678 there were added—  
Alex<sup>r</sup>. Gordon off Glengarrock ffor the lands thereoff.

Alex<sup>r</sup>. Gordon of Arrdoull for his lands of Maislie Haughes and  
fforgie.

Mr. Alex<sup>r</sup>. Ker for his lands of Knock.

John Innes off Edingeith ffor the lands yroff.

The Laird of Kinminitie for the lands [yroff.]

Collen Campbell off Moncoffer ffor his lands of Inverichnie.

Collonell John Innes off Lichnet for the lands yroff.

#### THE GORDONS OF GLENGERACK.

Glengerack, in the parish of Keith, was long a Gordon possession. Captain Adam Gordon appears as laird in 1640; and a slip of Jean Gordon, Lady Altar [Altyre], bulks largely in the Presbytery Records of Strathbogie of 1647. In 1667, we have seen that laird Alexander Gordon broke up the band of highland marauders under Patrick Roy, who “held up” the town of Keith. A Sasine Minute of 2nd August, 1670, shows that his wife was Katherine Brodie. He was succeeded by his son Charles, who was served heir on 29th November, 1692. Charles married Margaret, eldest daughter of Alexander Duff of Bracco.

23 Maij, 1659.—Renunciacione and grant of redemption, Gordones  
of the landes of Glengerack, and pairt of the landes off  
Auchinhuff.

7th December, 1666.—Saising Alex<sup>r</sup> Gordone off Glengarock off all  
and haill the toune and lands off Glengarock, the toune and lands of  
over and neither Auchinhuiuffs and uys, with their pertinents.

2nd August, 1670.—Sasing given to Alex<sup>r</sup> Gordone off Glengarock  
off all and haill the . . . comprehending yrin the toune and lands of  
Nether Kinminity, callit the Overseat of Nether Kinminity. . . .

29 Jary., 1676.—Saiseing given to Alex<sup>r</sup> Gordon of Glengarack of  
all and haill the toune and lands of Littell Kinmintie, and over millne  
of Strathillae, with the pertinents.

Last May, 1693.—Saising Charles Gordon of Glengerack of the  
lands and baronie of Glengerack . . . upon a precept out of the  
chancellarie.

Ult. Decer., 1694.—Saising Margaret Duff, eldest law<sup>ll</sup> daur. to  
Alexander Duff of Bracco, spouse to Charles Gordone of Glengerack, of  
the lands of Over and Nether Achinhooves, Berrieleys, and Ealhouse

croft, and of the lands of Glengerack, maner place, and of the lands of Newmylne, Nether Kinminitie, and mylne of Strathila, called over mylne, and multures yrof, etc.

#### THE GORDONS OF ARRADOULL.

15 Der., 1664.—Seasing Alex<sup>r</sup> Gordon of Arradoull of ye townes and lands of Arradoull, extending to eight oxegate land.

27 Apryll, 1665.—Seasing Alex<sup>r</sup> Gordone of Arradoull of the toune and lands of Arradoull.

24 Septer., 1675.—Saiseing given to Alex<sup>r</sup> Gordon of Arodouell, and King his spouse, the longest liver of them two in conjunct fie, of all and haill the toune and lands off Maislie, the lands of Haugh of Strathilla, the towne and lands of Coldhame, Boigloigie, Muirefauld, Clerkseat, Auchindarrin and Garrowood, with the pertinents.

27 November, 1677.—Saiseing given to George and James Gordons, sones law<sup>ll</sup> to Alex<sup>r</sup> Gordon of Arradoul, and Helen Ross, daughter to James Ross of Allanbuie, in lyverent off ane yearlie @rent of sex hundreth merks moëy, to be uplifted ffurth of the lands of Haugh and fforgie and uysr.

On 18th October, 1692, George Gordon was served heir to his father Alexander on the estates of Haughes of Killesmont and Messlie.

1st ffebry, 1694.—Saising George Gordon of Arradoull of the lands of Arradoull, extending to eight oxgate of land, with the pertinents.

Saising George Gordon of Arradoull of the lands and maner place of Haughes, and lands of fforgie and Meslie, with yr pertinents, upon a precept out of the chancellarie.

Saising Jean Grantt, spouse to George Gordon of Arradoull, in lyfrent of the lands and maner place of Aradoul and pertinents.

#### MR. ALEXR. KER.

The Rev<sup>d</sup> Alexander Ker,<sup>1</sup> M.A., graduated at King's College Aberdeen, in 1647. He was ordained minister of Grange in 1652. He died in 1693. His second wife died in May, 1728.

29 May, 1659.—Seasing Mr. Alex<sup>r</sup> Ker, minister at Grange, of the landes of Knock as prin<sup>ll</sup>, and landes of Cranoches in spetiall warrandice yroff.

<sup>1</sup> See Dr. Cramond's "Church of Grange," pp. 10-61; and Editor's "Banffshire During the Revolution of 1689," in the Banffshire Field Club Transactions of 1906.



29 May, 1659.—Seasing Anna Gordone, spous to Mr. Alex<sup>r</sup> Ker, minister at Grange, of the landes of Thornetoune and Drumnaker in Knock.

29 Septer, 1674.—Saiseing given to Mr. Alex<sup>r</sup> Ker, minister at Grange, off all and haill twentie oxgaite lands of Strathillae, called Ester and Wester Knocks, and of the lands of south and north Cranochs, Millne of Cranach and sicklyk to the said Mr. Alex<sup>r</sup> Ker and Jessie Burnet his spouse, the longest liver of them two in conjunct fie and liverent of seven oxgaite lands off Knock possessed be Andrew Craib, and two oxgaite possessed be Thomas Hendersone.

18 Jāry, 1681.—Saisine given to Mr. John, Andrew, James, and Patrick Kerrs, law<sup>ll</sup> sons to Mr. Alex<sup>r</sup>. Kerr, minist. at Graing, and to Issobell, Kathren, Bessie, and Helen Kerrs, law<sup>ll</sup> daughters to the sd Mr. Alex<sup>r</sup> Kerr, of all and haill the rexive yearlie @rents (vz) to the sd Mr John ane yearlie @rent of fourtie pundis Scots moēy, to be uplifted furth of the 10 oxgate lands of Knock of Strathylla called Wester Knock, Easter Knock and Knockboig, w<sup>t</sup> the pertinents, and also to the sds Andrew, James, and Pat. Kerrs of all and haill ane yearlie @rent of sex score pundis moēy, to be uplifted and taken furth of all and haill the four oxgait lands of Janet Skaikells, and Craib, and forth of all and haill the sd sevin oxgait lands of the toune and lands of Knock w<sup>t</sup> the pertinents and sicklyke to the sd Issobell, Kathrin, Bessie and Helen Kerrs of all and haill ane yearlie @rent of ane hundreth and four score pundis moey, to be uplifted and taken furth of all and haill the twentie tuo oxgait lands of Strathilla, called Wester Knock, Easter Knock and Knockboig, with the pertinents.

#### INNES OF EDINGIGHT.

20 Nor., 1663.—Seasing Jon Innes of Edingeyth of ane full right to reversione of ye lands of Edingeyth, Boig, Wester Croylett, and ūyrs.

20 Nor., 1663.—Seasing Jon Innes of Edingeyth of ye third p<sup>t</sup> lands of Wester Croyletts. . . .

20 Nor., 1663.—Seasing Isobell Hamilton, now spous to Jon Innes of Edingeyth, of ane yeirle @rent of two hundreth and fourtie pundis scots moey yearlie to be uplifted furth of anie pt of ye lands of Edingeyth and ūyrs.

first December, 1663.—Seasing W<sup>m</sup> Innes, portioner of Balnamoone, of yt pt of ye lands of Edingeyth, called ye east syde of ye Westertoun of Edingeyth and ūyrs.

first December, 1663.—Renunciation of yt pt of ye lands of Edingeyth, called the east syde of the Westertoun of Edingeyth and ūyrs, granted be W<sup>m</sup> Innes, portioner of Balnamoon, to Jon Innes of Edingeyth.

12 Appryll, 1679.—Saisine given to John Innes of Edingeith of all and haill the two oxgait toune and lands of New Fortrie, otherwayes called New Crannoch, w<sup>t</sup> the pertinents.

17 August, 1691.—Saising John Innes, yor of Edingeith, and Helen Strachan his spouse in lyferent of the two oxgate lands of New Fortrie, the lands of Mostoune, Wester Croylet, Nether Boige, Over Boge and others, with yr pertinents.

#### COLONEL JOHN INNES.

James Innes of Lichnet, Gamrie, father of Colonel John Innes, was second son of Sir Robert Innes of Innes, who was created a baronet of Nova Scotia by Charles I., on 29th May, 1625.

July, 1662.—Renuncia<sup>one</sup> granted be Peter Meldrum, sometym of Lichnet, to James Innes of Lichnett, of ye toune and lands of Lichnett, w<sup>t</sup> the fish botts.

22 Agust, 1662.—Renuncia<sup>one</sup> of the toune and lands of Lichnett, w<sup>t</sup> ye toure and fortalice, myln and myln lands yrof, and fishbot granted be Sr Rob Farqr of Munie (?) to James Innes of Lichnett.

3 Junij, 1669.—Renuncia<sup>on</sup> and grant of redemption off all and haill the toune and lands off Lightnett, made and granted be W<sup>m</sup> Ogilvie, younger of Bachlaw, to and in favors off Colonell Johne Innes off Dippell.

25 August, 1669.—Saising Collonell Johne Innes of Dippell, and Jean Campbell his spous, off all and haill the toune and lands of Lightnett, with the pertinents.

In the Michaelmas roll of 1679 appear Maister Thomas Messer for the lands of Todlaw in the parish of Forglen, and George Keith for the lands of Northfeild.

## KEITH OF NORTHFIELD (CADET OF THE EARLS MARISCHAL.)

2nd December, 1690.—Saising George, Earle Marischall, etc., of the lands of Northfield, Greinley, woods and fishings, with their pertinents.

2nd December, 1690.—Saising Alex<sup>r</sup> Keith, eldest sone to George Keith of Northfield of the lands of Northfield, Whytefield, Greinley and others, with their pertinents.

17 January, 1693.—Saising Sophia Fraser, eldest law<sup>ll</sup> daughter to John Fraser of Menisey, now spouse to Alexander Keith of Northfield, in lyfrent of the Mayns of Northfield, and lands of Whytfield and Ravelsden, with yr pertinents.

In the Pasch roll of 1680 appears Arthur Forbes for the lands of Turtries. In the succeeding Michaelmas roll the successors of Viscount Frendraught drop out, and there appears instead George Morison of Boigny for the lands of Convoy. To the Pasch roll of 1681 is added John Ramsay of Melross for the lands of Melross, Gamrie.

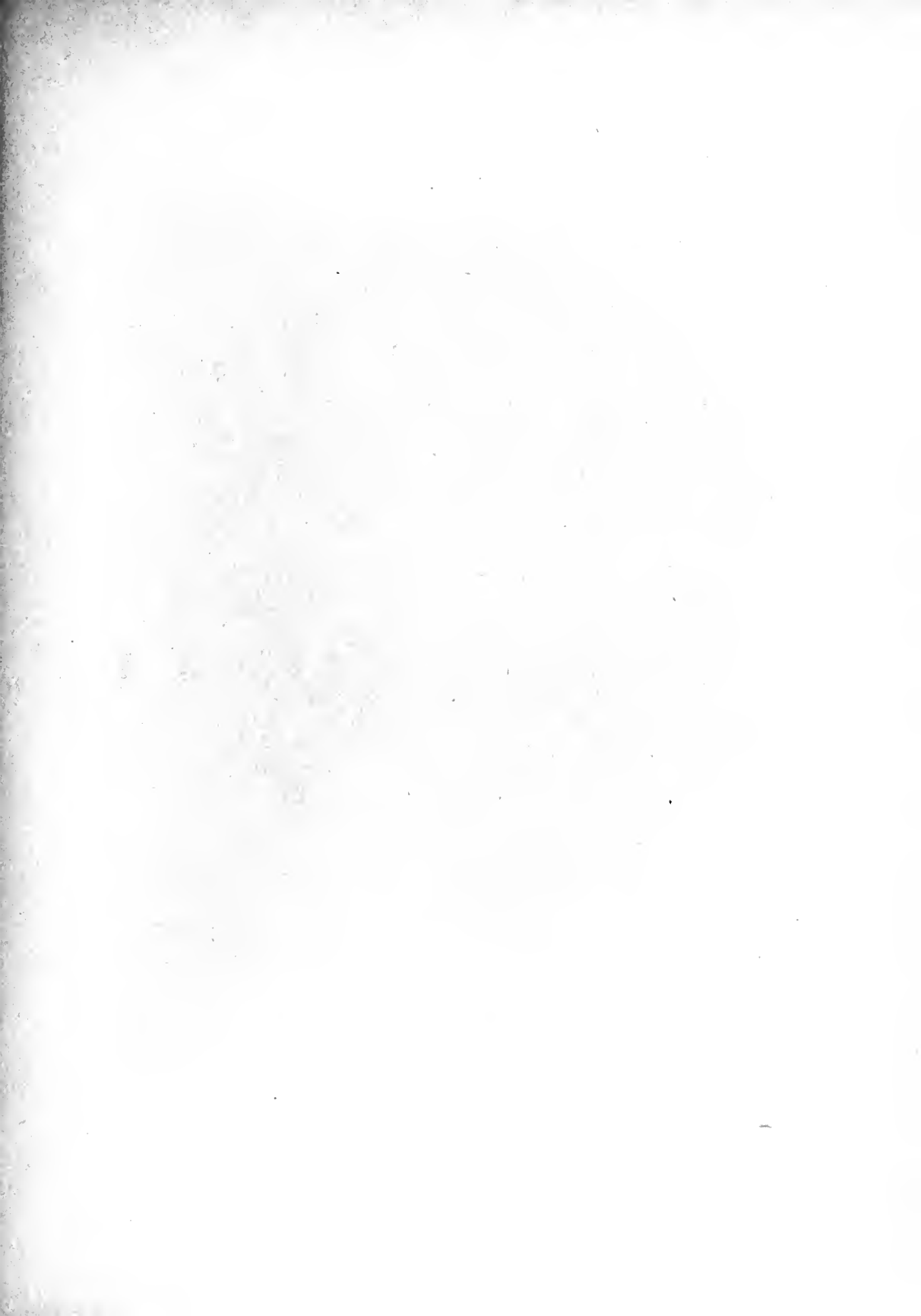
ELECTION OF SIR PATRICK OGILVIE AND SIR GEORGE GORDON  
AS COMMISSIONERS OF THE SHIRE.

In the following Minute, narrating the election of Commissioners of the Shire for the Scots Parliament that assembled in 1681 we find for the first time a stipulation made that the members elected should serve the County gratuitously. We also find a question of privilege emerging in the complaint against the greater Barons, Lords Huntly and Banff, because of their interference with and presence at the election.

ATT and within the tolbooth of the Burgh of Banff the seventh day off Jully, Iajvi& and eightie ane yeares, being the day appointed for the Barrones and Freeholderes weithin the Shereffdom off Banff ther choysing and electing Coūres for attending this ensueing Parliat.

The whilk day the Barrones and Freeholderes of the sd Sherreffdome being conveined in obedience to his Mties proclamatiōe for electing and choosing Coūres to attend the Parliat to be held att Ed<sup>r</sup>, the twentie eight day of Jully instant, as the said proclamatiōe of the daite at Ed<sup>r</sup> the day of Junij last bypast, and proclaimed att the Mercatt Croce of Banff upon the twentie third day of the said month of Junij in themselves proports: Theirfor, and in obedience theirunto, the saids Barrones did elect, nominate and choose, and be

thir pñts, elects, nominates and chooses Sir Patrick Ogilvye of Boynd, Knight, and George Gordoune off Edinglassie Coñres for the said Sherreffdome of Banff, to attend the said meeting Parliat the said day and place with full power to them to sitt, treate and voice, and to act and doe everie thing els for promoving of his Mties interest, and tending to the good of this his ancient kingdome als freele, fullie and amplie in all respects as any other Coñres from any of the shyres of this kingdome shall do. [Follows in different script]:—The said day the above wriñ proclamatione publickly read and ordained the samen to be kept in retentis, and the Shreff declaired that the act made ffor the choiseing off Comissioners is declaired woid, and ordaines the Comissioners to be chosen at each Michaelmas Court in tyme comeing yearlie, and the Comissioners and Barrons ordained the Laird of Auchmedden to be preses, who protested that there pñt nominatione shold be without prejudice off his office of Shireffship. The said day the hail Barrons declaired the persons chosen as Comissioners ffor this present Parliament out of gratuitye to the Shyre are hereby to serve the Shyre and contry gratis, to the qch the Commissioners aquieses out of the consideratione off the burden off the Shyre, and appoynts two to be chosen; and Boyne protested ffor reelectione since sēall persones wotted who hade not right to wott nor wes not infeft, and some by proxies, and for sēall ūyr irregularities in the sd electione, and Auchmedden, as preses, gave his wotte ffor the Laird of Boynd. The Laird of Park protested that there wes wotts admitted in Boyns favour who were not to wotte, qch he protested agt., and lykwayes ffor infformality and of those who ought not bein elected, 2d that Boynd and Auchmedden did declyne there in meitteing; and being carried ffor Park, Boynd and Auchmedden gave there wotts ffor each uys, and the lairds of Park and Boynd being off equall wotts the Shreff decyded the samen in ffavoures off Boynd by his wotte, and Edinglassie wes thirtein wotts; as also Boynd ffurther protested beffor the electione and efter ffor reelectione, because there were sēall persones qch ought not to be present, such as ye Marqueis off Huntlie and Lord Banff, who being both desyred publickly and privatly to remove refused, who wes declaired to have importuned sēall of the Barrons ffor byessed woices, and to have imposed upon soume to absent themselves being present in the towne, wch is declaired to be res gesta by J. A. BAIRD, Sheriff, Preses.





*Alexander Duff of Bracco.*  
BY JONATHAN RICHARDSON

## ALEXANDER DUFF OF BRACCO.

At the Michaelmas Court of 1681, after "Alexander Duff, for the lands of Lettach and Auldachlagan," is enrolled "Allex<sup>r</sup> Duff ffor the lands of Bracco." Alexander Duff of Bracco was eldest son of Alexander Duff of Keithmore. He was born in 1650, and married Margaret Gordon, daughter of Sir William Gordon of Lesmore, probably c. September, 1678, and had one son, William, who succeeded him, and three daughters, Margaret, who married Charles Gordon of Glengerack, Helen, who married William Gordon of Farskane, and Mary, who married Alexander Abercrombie of Tullibodie. Bracco was educated as a lawyer, and practised for some time in Edinburgh as a law agent. He returned to Banffshire c. 1677, and continued his father Keithmore's policy of purchasing land in the county. After acquiring on his own account and inheriting from his father many estates in the parishes of Mortlach, Aberlour, Keith, and Grange where Bracco is situated, etc., he acquired c. 1700 the extensive estate surrounding Duff House, belonging to the Earl of Airlie. He died on 19th December 1705. The following sasine rights show the continued upbuilding of the Fife estates.

24 September, 1678.—Saising given to Margrat Gordon, spouse to Alex<sup>r</sup> Duff, younger off Lettoch, in lyverent upon the lands off Bracco, Neyr mill off Strathillay, the lands of Millegin, ffermetoun Garrowod and Alehouse croft in Neyr mill.

25 March, 1679.—Saisine given to Alex<sup>r</sup> Duff of Bracco of and upon the fyve oxgaite and halfe oxgait land of the easter and wester pleughs of Milligne, sometym belonging to George or Adam fforsyths, with the pertinents.

26 March, 1679.—Saisine given to George Geddes<sup>1</sup> in Neyr millne of Strathilla and Alex<sup>r</sup> Duff of Bracco, of and upon tuo oxgait of lands of Garrowood, and yt pt and portione of the lands of Bracco called the Blackrink with the bear haughs, togidder with ye teynd shaves yrof in warrandice.

31 Nover, 1680.—Saising given to Alex<sup>r</sup> Duff of Bracco of all and haill the eight oxgait lands of the davach of Meillign, w<sup>t</sup> the maner place yrof and pertinents.

31 Octr., 1682.—Saisine given to Alex<sup>r</sup> Duff of Bracco of all and haill the tounes and lands comonlie called the tounes and lands of

<sup>1</sup> George Geddes married Margaret, eldest daughter of Adam Duff of Clunybeg, aunt of Bracco.

Drummuir, with the maner place, half davach lands of Towie, maner place, maines and millne yrof, w<sup>t</sup> the pertinents.

18 Decr, 1683.—Saisine to Alex<sup>r</sup> Duff of Bracco of all and haill the sunny half davach lands of Nēyrthird.

14 Septer, 1684.—Saisine given to Alex<sup>r</sup> Duff of Bracco of all and haill the tounne and lands of Pethnick, w<sup>t</sup> the pertinents.

29 November, 1684.—Saising Alex<sup>r</sup> Duff of Bracco of the cornmylne of Ballvenie and pertinents thereof.

Last December, 1687.—Backband William Duff of Diple in favours of Alexander Duff of Bracco, about the reversione of the lands of Keithmore and Cluniebeg and pertinents therof.

20 January, 1688.—Saising Alexander Duff of Bracco of the lands of Seggiecrook and pertinents thereof.

21 December, 1688.—Saising Alex<sup>r</sup> Duff of Bracco of the lands of Floores, and in the @rent of the prin<sup>l</sup> soume of 500 merks out of old Cranach and pertinents.

15 August, 1692.—Alexander Duff of Bracco of the lands of ffloores and shadow half lands of Newmylne of Boynd, and two crofts called Lautiescroft, and the two mylnes of the forrest of Boynd called the Newmilns, and others, with their pertinents.

Last Jāry, 1693.—Alex<sup>r</sup> Duff of Bracco of the lands of Nether Dalachie, Lochlaverick and Peperfauld as prin<sup>l</sup> and salmond fishing on Doveran in warrandice yrof, and of the lands of Craighead and Keave with the salmond fishing belonging yrto, and yr pertinents.

Ult. Decer, 1694.—Saising Margaret Duff, eldest daūr to Alexander Duff of Bracco, spouse to Charles Gordone of Glengerack, of the lands of over and nether Achinhooves, Berrieleys, and Ealhouse croft, and of the lands of Glengerack, etc.

18th May, 1695.—Saising Alexander Duff of Bracco of the lands and baronie of Edinglassie, teynds and pertinents yrof, and lands of meikle Dumeath, comprehending Auchinhandock, Leylands, little Dumeath, mylne yrof and multurs . . . in warrandice . . . to the sd Alex<sup>r</sup> Duff of the soume of nyntein thousand merks.

Last of Nor., 1695.—Instrument of resigna<sup>o</sup>ne in favours of Alexander Duff of Bracco, upon a prōrie granted by John Leslie of Parkbeg, of the lands of Parkbeg in Mortlich parish . . . ad remanentiam.



6th Apryl, 1697.—Saising Alex<sup>r</sup> Duff of Bracco of ane @rent of ane hundreth and fyfty pounds Scots yearly out of the baronie of Beldornie, Bellchirie, Gaulls and uthers in Mortlich parish, under reversion of 3750 merks by John Gordon of Beldornie; of the lands of litle Cranno and pertinents in Grange parish, upon Alexander Gordon of Crannos disposition; item of ane oxgate lands of ffortrie possest by John Neill in Grange parish, on James Wilsons of Germoches dispositione to John Neill and his assigna<sup>o</sup>ne to the said Alex<sup>r</sup> Duff; item of eight oxgates land of ffortrie called nether ffortrie, Oldtoun and Burnsyde in Grange parish, upon John Ruddoch of Burnsyde his disposition; item of four oxgate of ffortrie, called Midletoun in the said parish, upon John Ruddoch, elder, and John Ruddoch, yor. of ffortrie disposition, and also four oxgate of Outseat of ffortrie called Mudehall in the sd parish, upon the said last disposition.

24 Aprile, 1699.—Seasine Allex<sup>r</sup> Duff of Bracco of ffour oxgate land of Easter Crannoch, and of ffour oxgate lands of Overseat of ffortrie and of ane @rent out of the lands of Achingoule.

24 April, 1699.—Seasine Allex<sup>r</sup> Duff of Bracco of the lands of Haughs and fforgie.

8 May, 1699.—Seasine Allex<sup>r</sup> Duff of Bracco of the lands of Deyhill, Barnehill.

COMMISSION TO SIR JAMES BAIRD AND SIR GEORGE GORDON  
AS JOINT SHERIFFS OF BANFF.

On 24th August, 1681, the Crown issued the docquet of the warrant for a gift of the Sheriffship of Banff to Sir James Baird and George Gordon of Edinglassie.<sup>1</sup> That same year Edinglassie was knighted.

ATT and within the tolbuith of the Burgh of Banff, the  
day of \_\_\_\_\_, Iajvi& and eightie ane yeares, in presence  
of Sir James Baird of Auchmedden, Knight, Shereff Prin<sup>ll</sup> of  
Banffshyre.

The whilk day compeired personallie Sir George Gordoune of Edinglassie who produced ane comissione or patent, granted to him and to the said Sir James Baird of Auchmedden by our S. L. the Kings Mtie,

<sup>1</sup> S. P. Scotland Warrant Books, Vol. VII., p. 431.

under his Mties great seall of his ancient kingdome of Scotland for exercing of the office of Shereffship onlie within the bounds and limites of the Shrefdome of Banff: By which comissione our said S. L. made, constitute, nominate and ordained the saids Sir James Baird of Auchmedden, and Sir George Gordone of Edinglassie, Conjunct Sherreffs Prin<sup>l</sup>s of the said jurisdictione and limites of the samen during all the dayes of their lyfetye, and, efter the deceisse of the said Sir James Baird, the said Sir George alone and onlie Shereff Prin<sup>l</sup> of the said Shereffdome of Banff during all the dayes of his lyfetye: And gave, granted and disponed to them during the tyme forsd the said office of Sherreffship with all fies, casualities, emoluments and priviledges theirto belonging and pertaining, with full power to them of nominating and constituting deputes ane or mae, serjands, officiares, prōr fiscalls, and all uther memberes of court used and necessar theirto belonging (the clerkes excepted). for which they shal be answerable, and to act and doe everie thing els belonging to the said office of Shereffship als fullie and ampie in all respects as any Shereff Prin<sup>l</sup> within any Shereffdome of the sd kingdome of Scotland heirtofor hath done or shall doe, as the said comissione of the daite after spēct in itself bears, which the said Sir George Gordone ordained to be insert and regrat in the Shereff bookes of Banff, theirin to remaine to future memorie, and whei of the tenor followes thus:—*Carolus Dei gratia Magnae Brittaniae, ffranciae et Hyberniae Rex Fideique Defensor Omnibus probis hominibus suis ad quos presentes literae pervenerint salutem: Sciatis nos considerantes Dominum Jacobum Baird de Auchmedden mense ffebruarii anno Domini millesimo sexcentesimo sexagesimo quarto literam donationis officii Principalis Vicecomitis vicecomitatus de Banff a nobis obtinuisse et ratione senectutis et inaptitudinis dicti Domini Jacobi Nos per aliam donationem de data vigesimo primo die mensis Octobris anno Domini millesimo sexcentesimo octuagesimo constituisse praefatum Dominum Jacobum Baird et Jacobum Baird juniorem ejus filium conjunctim in officio Vicecomitis Principalis dicti vicecomitatus de Banff jurisdictionis et limitum ejusdem durante eorum vitae diebus et post decessum dicti Domini Jacobi Baird praefatum Jacobum Baird ejus filium per semetipsum solum et unicum Vicecomitem Principalem dicti vicecomitatus de Banff modo in dicta donatione latius continetur: ET Nos intelligentes praefatum Dominum Jacobum Baird juniorem nunc demortuum esse et praefatum*

Dominum Jacobum Baird senio affectum eoq inaptum ad dictum officium et jurisdictionem obeundum ET Nos cupientes dictum officium Vicecomitis per personas idoneos et animi dotibus praeditos nostrisq subditis justitiam administrare aptos exercere: Et satis compertum habentes fidelitatem animi dotes et aptitudinem dilecti Nri Domini Georgii Gordone de Edinglassie ad dictum officium obeundum ejusq Nobis Nostroq servitio et mandatis constantem consensum et adhesionem: Igitur fecisse constituisse nominasse et ordinasse tenoreq presentium facere constituere nominare et ordinare praefatum Dominum Jacobum Baird de Auchmedden presentem Vicecomitem Principalem dicti vicecomitatus de Banff et dictum Dominum Georgium Gordone de Edinglassie Conjunctos Vicecomites Principales dictae jurisdictionis et limitum ejusdem, durañ omnibus eorum vitae diebus et post decessum dicti Domini Jacobi Baird praefatum Dominum Georgium solum et unicum Vicecomitem Principalem dicti vicecomitatus de Banff durañ omnibus suae vitae diebus: Dando concedendo et disponendo eis durañ tempore praedicto dictum officium Vicecomitis cum omnibus faedis casualitatibus emolumentis et proventibus eo spectañ et pertineñ: Cum plena potestate iis deputatos unum seu plures serjandos officarios ffiscalis procuratores omniaq alia curiae membra usitata et necessaria (demptis clericis) pro quibus respondere tenentur nominandi et constituendi omnia alia et singula ad praedictum officium et jurisdictionem pertinē praestandi et exercendi non minore juris libertate quam quicunq alius Vicecomes Principalis infra dictum regnum Nri Scotiae obivit et functus est seu quorumq tempore praeterito exercere et obire potuerat. In cujus rei testimonium pñtibus magnum sigillum Nri appendi praecepimus apud aulam Nrañ de Windsor Castle vigesimo quarto die mensis Augusti anno Domini millesimo sexcentesimo octuagesimo primo regni nostri trigesimo tertio per signaturam S. L. N. Regis manu suprascript et sic a tergo subscribitur. Written to the great seale and regrat the second day of September, 1681, Jo Campbell, Dpt. Sealed att Edinburgh the second day of Septr., 1681, Jo Cunynghame.

ELECTION OF BOYNE AND EDINGLASSIE AS COMMISSIONERS  
OF THE SHIRE.

On the 6th of February, 1685, Charles II. died. A new Parliament was immediately thereafter summoned, and an election for

Banffshire took place. Four years before, the Scots Parliament had by statute placed the system of representation on the footing it continued to stand on, with little alteration, until 1832. The Act of 1681 enacted that none should have vote in the election of Commissioners for shires or stewartries but those who, at the time, were publicly infeft in property or superiority and in possession of a forty shilling land of old extent, holden of the King or Prince, distinct from the feu-duties in feu-lands, or, where the said old extent appears not, were infeft in lands liable in public burden for his Majesty's supplies for four hundred pounds of valued rent, whether kirk lands holden of the King, or other lands holding feu, ward, or blench of his Majesty as King or Prince of Scotland. Apprisers or adjudgers on expiry of the legal, proper wad-setters, apparent heirs, liferenters and husbands in right of their wives' freeholds, or of their own liferents by courtesy, were entitled to vote. Non-residence was declared no valid objection to a freeholder. Freeholders were directed to meet yearly at Michaelmas at the head burgh of the Shire, and make up the roll of voters.

ATT Banff the twentieth day of March, Iajv1& and eighty fyve yeirs.

The sd day the Barrons and ffreeholders being conweined for the tyme in obedience to his Majties proclamaone att Whythall and Edr., the 16 and 20th days off ffebruary last bypast, ffor choiseing and electing off ffit persons to be Com̄rs ffor attending this p̄ntt Parliätt, and haweing considered the act off Parliätt anent the electiones off Com̄rs to Parliament or Conventione off Estaits, in the first place the Barrons off the Shirreffdome off Banff hawe elected and nominated Sr George Gordoun off Edinglassie by unanimous consent to be the preses, and lykways hawe unanimously condiscended that the Shirreff Clerk shall be clerk to ther meeting.

The sd day the Barrons conweened att the tyme conform to the ordour off the act of Parliätt have taken the test and subt. the samen, and that befor the electione of Com̄rs. Bracco off his owen consent passes from woting in respect he declynes to take the test. Aradoull declares he is minor and not in a capacitie to wote, and exclues himself. The Barons conweined ffor the tyme, who hawe taken the test, haweing listed Boynd, Park and Edinglassie, and any two off them to be Com̄rs ffor the Parliament, haweing woted cleirly and by the pluralitie off wots Boynd and Edinglassie are condiscended upon to be the tuo Com̄rs ffor the ensewing Parliätt, and hawe ordeined the clerk to extend and

draw ample commissiones to the sds Com̄rs ffor the effect fforsd, and appoynts Achmedden, Park and Kinnardy to give instructions to the said Com̄rs.

		G. GORDONE, I.P.
JO GORDON.	D. GREGORIE.	JHONE OGILVYE.
	DAVID CRUIKSHANK.	JA. BAIRD.
W. JOASS.	GEORG KEITH.	J. OGILWYE.

In the sederunt of the following Minute the "Duk of Gordon" is partly superinduced on the old entry of "Marques of Huntly," shewing that that nobleman had, about this date, been advanced to the highest rank in the peerage. Besides the usual record of fines imposed on those absent, the Barons take measures for equitably apportioning the expense of transporting prisoners. They also reform irregularities, which had seemingly crept in, of holding Sheriff Court diets for civil and criminal cases outside the County town of Banff, and sometimes with no properly commissioned clerk. The offence of ignoring the County town as the proper seat of the Sheriff Court continued, and engaged the attention of the Town Council of Banff in 1700.<sup>1</sup> Provost Stewart was then instructed to bring the grievance before Parliament, and Bailie Mark was instructed to represent to the Convention of Royal Burghs the unfairness of "abstracteing of the Shirreff Courts our antient priviledges from this [Banff] to the Burgh of Cullen, and the publict meettings of the Shyre, notwithstanding of the Acts of Counsell, keep allwayes furth of the place att either Cullen or Fordyce."

In tribunali seden vigesimo quarto die Apprilis anno Domini millesimo sexcentesimo octuagesimo quinto quo die sectis vocatis Curia legitime affirmata.

The Minute after giving the sederunt continues:—The said day the haill Noblemen, Barrons and uys above wr̄n being thryse called and not compeiring, except the lairds of Park, Rothiemay, Kininvie, Tullich, Coleonard, Melros, personallie present, Killmachlione, Bognie, Zeochrie, Ballnoone, present by proxies, were ilk ane of them decerned in fyftie pundis Scots money for defect of suite, and the lyk soume for defect of personall presence: And the Barrons, takeing to there consideratione the easiest way for transporteing of prisoners, have thought it expedient that the heritors of lands, amounteing to ten thousand pundis of walued rent, be called at each tyme when necessity requires and prisoners to

<sup>1</sup> Dr. Cramond's "Annals of Banff," Vol. I., pp. 170-1.

convoe, and this from tyme to tyme proportionallie, and ordaines the heritors of the upper pairt of the Shyre to be first called to the effect forsaid, and thereafter thorow the rest of the Shyre per vices, and that no moey be exacted for that effect except the absents fynes, who shall not compeir efter they are ceited to the effect foresd: And lykwayes ordaines that no Sreff Courts be holden in any pairt of the Shyre for causes civill, except these to be holden within the Brough of Banff, head Brugh of the Shreffdome, conforme to act of Parliament; and that no Shereff Courts be holden neyr as to civill and criminall unles the Clerk be authorized by the Prin<sup>l</sup> Clerk of the Shyre: And compeired personallie Sr James Baird of Auchmedden and protested that any dects. past for criminalls be kept be the Prin<sup>l</sup> Clerk, and that noe executione pase on any dects. for criminall causes untill compt be had for byganes, nor upon bands granted for criminalls, and what souns of money have bein exacted for transporting of prisoners or bolls of wictuell taken for that cause from any persone, the said Sr James Baird, Shreff Prin<sup>l</sup>, declaired he wes naewayes accessory yrto, and wes radie to complye with any wrounged yrby, whensoever they please to call the receivers of such moneys or bolls of wictuell to ane account, and appoynted the present Prōr phiscall to make his accounts of his intromissione betwixt and the fyfteinth day of May nixt to come conforme to his comissione to the Dept Clerk with certificatione. JAMES BAIRD.

#### THE MANAGEMENT OF ROADS.

Though it was only after the suppression of the Rising of 1715 that County Authorities in the north of Scotland gave systematic attention to the public roads and bridges of their counties, there was in existence a wonderfully complete code of statute law for the management and maintenance of public highways in Scotland, enacted in the reigns of James VI. and Charles II. Act 38 of the first session of the first Parliament of Charles II., 1661, renewed in the same terms Act 8 of James' Parliament of 1617. These statutes gave to the Justices of Peace of the several counties of Scotland power to mend highways and bridges to and from any market town or seaport, and to punish those who injured them. They declared the breadth of highways to market towns to be twenty feet at the least, and those of larger breadth to remain so. Such roads were to be maintained by the Justices of the Peace, as well as all other ways from any town to the Parish Church. Power was given to report to the Council for new roads, and to punish those who refused their services to mend highways and bridges.

Those two Acts were followed by the Act of 1669 chap. 16, which appointed the Sheriff and one of his deputies, being a heritor, and the Justices of Peace within Counties to meet on the first Tuesday of May yearly, and to make up a list of the highways bridges and ferries, to divide the parishes, and to name overseers, with power to them to call on tenants cottars and servants by intimation at the Parish Kirk to convene for the repairing of the highways, with power to name someone to direct the rest, and to appoint such overseers wages. The days for working were not to exceed six days for man and horse yearly for the first three years, and four days yearly thereafter, between bere seed and hay time or harvest. The Justices of Peace were given power to poind for absence, twenty shillings Scots for a man and thirty shillings for man and horse, and therewith to hire others. If the absents had no goods, the Justices were empowered to punish them in their persons. It was enacted that the highways be twenty feet broad at least, or broader if so before, and the Justices were empowered to change roads at the sight of three of their number, and to estimate the damage, which was to be satisfied by the whole shire. The Justices of Peace were ordained to meet each fortnight during June and July to enforce the Act for three years after the passing of the statute, with power to visit ferries and appoint bridges and landing places. They were also ordained to meet yearly on the first Tuesday of June to stent the heritors of the shire to an amount not exceeding ten shillings Scots upon each £100 Scots of valued rent, and to account therefor at the Michaelmas Head Court. The Act 1670, chap. 9, allowed the time for working at the roads to be any time in the year, seed time and harvest excepted, and allowed the Justices of Peace to dispense with the attendance of persons at a distance on payment of six shillings yearly for every man and twelve shillings for every horse, to be expended on substitutes. The Act of 1686, c. 8, authorised the Commissioners of Supply to act along with the Justices of Peace.

There is no record that this code of highway law was at first systematically enforced in Banffshire. The first Minute Book of the Commissioners of Supply begins in 1696, and the first Minute Book of the Barons and Freeholders of the shire is silent on the matter until 1685, when the following entry, which states that a system of road management obtained in the county, occurs:—

Michaelmas Court, 2nd October, 1685.

HELD by George Gordone of Edinglassie, Sheriff Principal, and John Campbell and John Gordone, his Deputies.

(Suite Roll called, and absents fined.)

The sd day Edinglassie, Shirreff Prin<sup>l</sup>, in presence off the Barons and Gentlemen conveyen att the tyme, did renew and propose the fformer methods ffor rectifieing off the hyghwayes conform to the fformer acts, and desyred that the gentlemen and all others concerned should goe in diligence, and to give account theroff against the day off                    nixt to come; and in the mein tyme it is committed to Edinglassie, Bouny and Kinnardy w<sup>t</sup> Banoon to consider anent the bridge off Inverkeithny and anent any difference betwixt Banoon and Haddomill, and it is recommended to Ardmelly to fforther rectifie the way betwixt the Kirk of Aberchirder and Tillidoun and to Knockorth, and Baylie Sanders to amend and help that way betwixt Crrannach and Cluny.

#### THE PAYMENT OF COMMISSIONERS OF THE SHIRE.

The practice of paying Commissioners of the Shire their travelling expenses to and from Edinburgh, with an allowance when attending Parliament, all stented on the lands of the freeholder electors, excluding peers, soon after this period ceased in Banffshire, a condition being made at elections that the Commissioners give their services gratuitously.

Banff, 1 Apryll, 1687, yeirs.

The sd day being the head Pasch Court day, Sir George Gordon of Edenglassie, Shirreff Prin<sup>l</sup> off Banff Shyre, presented and produced in presence off the Gentlemen and Barrons conveyen att the tyme two acts under the Viscount off Tarbats hands his Mayties Clerk to his Register rolles qrin he specifies, declairs and settis down therin the particular dayes off attendance the Lord Boynd and Edinglassie did wait on and attend the sessiones off Parliätt, and dayes as is mentioned in the sds acts: And the sd Sir George Gordon did intimat to the whole gentlemen and barrons concerned and all lyable in payt, that thay pay in ther particular propor<sup>one</sup> qrin. and as they are lyable conform to act off Parliätt to James Cock, Collector, appoynted ffor that effect, and that within ane ffourtnights tyme under the paine off horning and uther legall diligences to be used ffor recowering payt conform to act off Parliätt.

#### THE MANAGEMENT OF ROADS.

The next mention of roads was at the Michaelmas Court of 1687, held by Sir James Baird of Auchmedden and Sir George Gordon of Edinglassie and their Deputes, John Campbell and John Gordon.



Banff, Sepr. last, 1687 yeirs.

The sd day being the head Michaelmes Court day, the Shirreffs Barons Gentlemen and uthers pñtt ordeins ane meetting off the Comñrs off Supply, Excyse, heretours and all concerned to meett att Banff on Thursday, the thretteint off October nixt, ffor takeing inspectione off the Shyres effeirs, and ffor rewiseing the acts made anent hyghways, bridges, &c, and that the Justices of Peace meett the sd day ffor considering former acts.

#### VAGABONDS AND MASTERFUL BEGGARS.

The minute continues: And Mr. Alex<sup>r</sup> Grant<sup>r</sup> to be adwertised to keep the sd appoyntment, and to take notice off the practtise off other Shyres anent the restraineing off vagabonds and beggars, and the sds Comñrs and Justices of Peace appoynted to keep the sd dyet under the faylie off tuentie merks ffor ilk absent Comñr or Justice off Peace conform to act of Parliätt.

JAMES BAIRD.

G. GORDONE.

To restrain vagabonds, sorners and masterful beggars a series of statutes were enacted by the Parliaments of Scotland, in particular, 1445, c. 45; 1477, c. 77; 1579, c. 74; 1617, and 1661, c. 38. The Act 1579, c. 74, ordained that all persons above 14 and below 70 years of age, who shall be taken wandering and misordering themselves, all idle persons ganging about using unlawful plays, Egyptians and seers, and all persons being haille and starke in bodie and abille to worke, alleging them to have been herried or burnt, uthers nouthir havand land nor maisters nor lawful occupation, who can give na reckoning how they lawfully get their living, and all sangsters, etc., all common labourers. being persons able in body living idle and fleeing labour, should be taken and punished as strang beggars and vagabonds. They were to be apprehended, imprisoned and tried within 6 days, and, if convicted, were to be scourged and, for a second offence, punished as thieves. While imprisoned, they were to be allowed each day, at the expense of the parish where apprehended, ane pund of ait bread and water to drink. The statute 1661, c. 38, which established in Scotland Commissions of the Peace in the various counties, enacted that the said Commissioners shall put his Majesties' Acts of Parliament to due and full execution against wilfull beggars and vagabonds, solitary and idle men and women without calling or trade, lurking in alehouses, tyed to no certain services, repute and holden as vagabonds, and against those

<sup>1</sup> Sheriff Clerk of Elgin, and in 1689 Tacksman of Excise in Banff and North.

persons who are commonly called Egyptians; and they shall punish and fine their ressetters and setters of houses to them accordingly, by such competent pains as is proper for them to enjoyn. The Act 1663, c. 16, imposed a tax on the parishes where such vagabonds or idle persons as shall be found begging were born, or in case the place of their nativity be not known, the parishes where they have any residence haunt or most resort for the space of three years preceding their being apprehended, for putting down vagabonds—the one half to be paid by the heritors, and the other half by the possessors and inhabitants, according to their means.

#### JUSTICES OF THE PEACE.

Under the Act<sup>1</sup> for renewing Justices of Peace, passed in 1663, besides the Lords of the Privy Council and Senators of the College of Justice, there were appointed within the shire of Banff:—

The Earles of findlater and Aboyn, the Lords Ogilvie and Bamff, the Laird of Boynd, Sir Patrick Ogilvie yor of Boynd, Sir Alexander Wrwhart yor of Dunlugus, Sir James Baird of Achmedden, James Gordoun of Rothemay, Peter Meldrum of Lethers, Sir Alexander Abercrombie yor of Birkenboig, George Keith of Northfeild, George Gordoun of Thornebank, James Sutherland of Kinminitie, Johne Leslie of Kininvie, Johne Grant yor of Ballindalloch, William Innes of Kinnermonie, Mr. Johne Abercrombie of Glassoch, William Leslie of Birdsbank, the Provost and Baillies of Bamff for the tyme being, John Leslie of Auquhorsk, Alexander Abernethie of Auchinleish: And nominats and appoints the Laird of Birkenboig to be conveener.

#### " IRREGULAR SALMON CRUIVES.

Cruives used in salmon fishing were regulated by the Acts 1424, c. 11; 1477, c. 73; 1489, c. 15; 1563, c. 68; 1581, c. 111, and 1685, c. 20. It was unlawful to fish where the sea ebbs and flows, otherwise than by rod or net and coble.

Banff, Appryll 20, 1688.

The sd day being the head Pasch Court ther wes ane complaint given in by sewerall gentlemen and heretors on the water off Diworn, complaineing upon the irregalaritie off the damme and cruives on the said water. The Shirreffs takeing the samen to ther considera<sup>o</sup>ne, and that all concerned may have equall justice, have concluded that my Lord Boynd Achmedden and Edenglassie sall speak and commoun w<sup>t</sup> the E: off Airly, he being att the tyme in the countrey, that maters may

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VII., pp. 543-4.

be accommodate in ane ffrindly, and in the mein tyme the tuo Deputts are appoynted to goe to take inspectione how and in qt caice the sds damms cruivs and hecks are, and iff they be regular conform to law, and to report.

The sd day Sir George Gordon off Edenglassie presented publictly ane sasine off Sir George Ogillwy off Carnusies, sometyme off Dunlugus, instructing hes right of hes fishing on the water off Diworn, daited the sixt off July, 1583 yeirs.

#### THE REVOLUTION IN BANFFSHIRE, 1688.

The absolutism of King James II., shown in his use of the dispensing power, in his openly displayed favour for the Roman Catholic religion, though it resulted in general religious toleration one hundred and forty years before its time, and the King's consequent unpopularity have been assumed to be the most decisive causes of the success of the Revolution. More decisive than these was his fatal lack of resolution and of bold initiative in firmly opposing at the outset the invasion of the Prince of Orange. For years William's campaigns in the Low Countries had been the school of arms for adventurous Englishmen and Scotsmen; and for long he had been building up a party at the court of King James. So long, however, as his wife was next to the throne there was no necessity for revolutionary action. The birth of the Prince of Wales in June, 1688, interposing as it did an heir between his wife Mary and the throne, rendered immediate action on his part imperative, if he and his house were to gain the crown. This event seems to have moved him to action quite as effectually as the reasons given in his public proclamation, that King James had violated the fundamental principles of constitutional government and of English Kingship.

The birth of Prince James and the fears of a Catholic succession did not in the North of Scotland carry with them the sinister unpopularity one is led to believe they did. Earlier in the year, the Privy Council had evoked the loyalty of the people by ordering a thanksgiving throughout Scotland on 19th February for the expected event. On 12th February, 1688, in the kirk of the parish of Grange,<sup>1</sup> this act "for keeping a solemne day of thanksgiving for the Queen's happie conception" was publicly read from the pulpit after sermon. A thanksgiving was also duly held in Banff<sup>2</sup> on the date appointed, when the preacher chose for his text the second verse of the first chapter of the first book of Samuel, where Hannah, the then childless wife of Elkanah, figures; while at Fordyce the Rev. Alexander Gelly discoursed from the text, "O give thanks unto the Lord for he is good, for his mercy endureth for ever."

<sup>1</sup> Dr. Cramond's "Church of Grauge," p. 53.

<sup>2</sup> Dr. Cramond's "Annals of Banff," Vol. II., p. 58.

Other parishes in the county kept this anticipatory thanksgiving as ordered; and the ministers doubtless preached as loyal sermons as Mr. Gelly, Fordyce, and Mr. Patrick Innes, Banff, judging from the texts they handled, seem to have done. And now that the "happie" event had happened, thanksgivings were general throughout the country. On the 4th of July that year, at a meeting of the Presbytery of Fordyce,<sup>1</sup> "all the brethren present declaired that they had observed the thanksgiving conforme to the Act of His Majesties most honobl privie Counsell for the Quenis Majesties safe delyverie of the high-born Prince and Stewart of Scotland." Action and language like this are hardly the action and language of disaffected subjects.

During 1688, preparations for invasion by the Prince of Orange went on in the Low Countries, coupled with a growing political propaganda in this country, only to be accentuated on the birth of Prince James; and though news of these preparations in Holland reached England, King James was slow to believe that his son-in-law meant business. Early and reliable information regarding public events was of importance to the various communities at such a time; and the entry in the Town Council minutes of Banff on 28th August that the Earl of Airlie, who was a loyal supporter of James and who had large interests in the burgh and its neighbourhood, paid to the burgh treasurer £6 Scots "for helping the upholding of the posts going," indicates a rising interest in current events. By this time the propaganda in the interests of the Prince of Orange was being so openly urged in Scotland that in August the Privy Council took steps to suppress the same; and a faint echo of the action of the Lord Chancellor lingers in the records of the Kirk-Session of the parish of Grange,<sup>2</sup> which bear that on 2nd September there was read from the pulpit, as there must have been from most of the other parish pulpits of the county and the north, a general proclamation "from the Privie Council against importing, selling, buying and keeping of seditious books or pamphlets," though the probability is that, north of the Grampians, there was little buying or selling of seditious or any other books.

Convinced at last that William seriously meant invasion, James in September, 1688, through the Scots Privy Council, always the ready instrument of the Sovereign, put Scotland on war establishment. The Militia of his Northern Kingdom was embodied; the Highland Chiefs, mostly loyal, were ordered to be ready to assemble their clans; and such strategic positions as Edinburgh and Stirling Castles were garrisoned. My Lord Chancellor the Earl of Perth accordingly addressed summonses to the several Sheriffs of the shires in Scotland; and in Banffshire, on 16th September, his letter to the Sheriffs-Principal,

<sup>1</sup> Dr. Cramond's "Presbytery of Fordyce," p. 49.

<sup>2</sup> Dr. Cramond's "Church of Grange," p. 55.

“for the convening of all the heritors, liferenters, wodsetters, &c., at the head burgh of the shire upon the 21st of September instant with their best horses and arms, &c.,”<sup>1</sup> was read in the various parish kirks. The rendezvous given for the 21st of September was most likely held, though there is no local record of the same. This much is certain, that Sir George Gordon of Edinglassie and Sir James Baird of Auchmedden, Joint Sheriffs-Principal of the county, convened on 5th October, 1688, the barons and freeholders of the county to the usual Michaelmas Head Court of the county at Banff, to concert and advance measures for the defence of the kingdom. At that Head Court the following roll of those holding their lands of the Crown, and owing suite and presence to the Sovereign was called, and the individuals were marked excused, absent or present, as the case might be.

MICHAELMAS HEAD COURT, 5TH OCTOBER, 1688—SUITE ROLL.

- ex The Duke of Gordone for his lands of fforest of Boynd, Eingzie, Auchindoun, Strathawin, Inverurie, fflotterletter, Gairtly and Corronassie.
- ab The Earle of Erroll for his lands of Montblairie.
- ab The Earle of Marrishall for his lands of Inverugie, Durn and Auchinhampers.
- ab The Earle of Buchan for his lands and Lo of Glendowachie, Doun and Montblairy.
- p The Earle of Airly for lands of Alvach, Bachlaw and Tippetty.
- ab The Earle of ffindlater for his lands of ffindlater, Deskfoord and Castlefeild.
- ab The Lord Banff for his lands of Inchdrowar, Sandlaw, Blairshinloch and Doun.
- ab The Lord Oliphant for his lands of Pettendreich, Airdfour and Auchininay.
- ab The Master of Saltoun for his lands and Lo of Balvenie.
- p The Lord Boynd for the thayndome theirow and Ratties.
- ab The Lord Auchintowell for the lands theirow.
- p The Laird of Auchmedden for the lands of Pittgair and Awalds.
- ab The Laird of Birkenboig for the lands of Gallcross.
- ab The Laird of Rothimay for the lands theirow.
- p The Laird of Park for the lands theirow.
- p The Laird of Edinglassie for the lands of Glenmarkies and Carnousies.
- ab The Laird of Bellendallach for the lands of Tullocharron.
- ab The Laird of Kempkairn for the lands of Drumna-Keith.
- p The Laird of Denluges for the lands theirow and Muirden.

<sup>1</sup> Dr. Cramond's "Church of Grange," p. 55.

- ab The Laird of Beldornie for the lands theirof.
- ex The Laird of Itlaw for the lands theirof.
- ab The Laird of Rannes for the lands of Muldavitt.
- ab The Laird of Kenermenie for the lands theirof.
- p The Laird of Baldavie for the lands theirof.
- p The Laird of Kilmachleon for the lands theirof.
- p The Laird of Cromby for the lands theirof.
- p The Laird of Troup for the lands theirof.
- ab The Laird of Lesmurdie for the lands theirof.
- ab The Laird of Buckie for the lands theirof.
- p The Laird of Boigny for the lands of Convoy.
- ab The Airs and Surs. of Laithers for the lands of Drauchlaw and Drauchlaw Mill.
- p Mr. Thomas Mercer of Todlaw for the lands theirof.
- ab The Airs and Surs. of the deceist Mr. James Gordone for the barronie of Yeochrie.
- ab The Airs and Surs. of Glengarrock for the lands theirof.
- p The Laird of Kinairdy for the lands of Neitherdale.
- p David Crookshank of Balnoon for the lands theirof.
- p John Abernethie of Meyan for the lands theirof and Quoir.
- p John Lesly of Kininvy for the lands theirof.
- ab Walter Lesly of Tulich for the lands theirof.
- ab George Keith of Northfield for the lands theirof.
- ab Arthur fforbes of Turtries for the lands theirof.
- p Mr. William Joass of Colleopard for the lands of Denhead, Poddocklaw, and Whyteouty.
- ab George Coming, late Provost of Elgine, for the lands of Bregachie and Lettervandich.
- ab Alexr. Duff of Keithmoir for the lands of Lettoch and Aldach-lagan.
- ab Alexr. Duff of Bracco for the lands theirof and Knock.
- ab The Airs and Surs. of Alexr. Gordone of Arradoull for the lands of Haughs, Maisly, & fforgie.
- ab Peter Russell of Mountcoffer for the lands of Inverichnie.
- ab John Innes of Edingeith for the lands theirof.
- ab John Ramsay of Melross for the lands theirof.
- ab The Vassalls of the Abbacie of Aberbrothock.
- ab The Vassalls of the Abbacie of Couper.
- ab The Vassalls of the Abbacie of Kingloss.
- ab The Bishop of Murray.
- ab The Bishop of Aberdeen.
- ab The Parson of Ratvein.

The minute of this Head Court of 5th October, 1688, like most former minutes, records the absence of many who owed to the King suite and presence, and notes the usual consequence of such absence, and, though the meeting was larger than usual, the measures taken to ensure personal attendance. At the same time, the embodiment of the Earl of Erroll's regiment of militia, which had four Banffshire companies, was announced. Captain Hay mentioned was no doubt Captain John Hay of Echries, Grange, a cadet of the Hays of Rannas in Rathven, and Tutor of Rannas. Alexander Garden of Troup, Gamrie, on 28th August, 1663, succeeded to the lands and barony of Troup on the death of his father, Major Alexander Garden, who had served under Gustavus Adolphus, and had on his return from the Swedish wars purchased, in 1654, Troup. He married Bathia, daughter of Sir Alex. Forbes of Craigievar.

#### FINES FOR ABSENT BARONS.

The wholl noblemen, barrons and others above wrten, being thryse called and not compeiring, were ilk ane of them deceirned and amerciate in the sum of ffyftie pounds for defect of suite and the lyke sum for defect of personall presence, and ordained to make payt of the samen within terme of law, except the Duke of Gordone excused, the Earle of Airly, the laird of Boynd, the laird of Auchmedden, the laird of Park, the laird of Edinglassie, the laird of Denluges present, the laird of Itlaw excused, the laird of Baldavie, the laird of Kilmachleon, the laird of Cromby, the laird of Troup, the laird of Boigny, Mr. Thomas Mercer of Todlaw, the laird of Kinardy, Balnoon, Meyan, Kininvye, Colleopard present.

The Shirreffs takeing to ther consideratione the paucitie off the number off the noblemen, barans and wthers the gentlemen conveyed, and who ought to hawe been present att this head court, ordeins heir-after that no proxies be allowed, bot that the barons themselves be personally present, or their said sufficient persons off worth radie to atten his Majties service and command qñewer called, notwithstanding off any proxie, and thes pñts are intimated att this head court that non pretend ignorance for the futur.

#### THE EMBODIEMENT OF THE BANFFSHIRE MILITIA.

The sd day Sir George Gordon off Edenglassie, Shirreff-prin<sup>ll</sup>, did produce ane letter from the E. of Erroll with sewerall publict printed

intimationes ffor conveyeing the E. off Erroll's regiment off militia ffor ane generall randiwous conform to the days mentioned in the publict intima<sup>o</sup>ns: My Lord Boynds company to meett att Banff the 15 current, Captain Hays company to meett att the Newtoun of Park the sd day, Edenglassies company att Edenglassie lykways the sd day, Troups company att Minnonie.

THE PATENT OF SIR JOHN GORDON OF PARK, AS KNIGHT BARONET.

The said day Sir John Gordon off Park, att the head court publictly in pñce off barons conveyened produced his patent from his Majties as Knyght Barronett, and accordingly ordered to be enrolled, grupon the sd Sir John took instruments qch wer received and allowed, and enrolled in the suitt roll accordinglylie, and that the patent may be lykways insert and regrat in the head court book ffor future memorie. Qrōn act.

ATT Banff the ffyft day of October Iajvji& eighty eight years in pñce of Sir James Baird of Auchmedden and Sir George Gordone of Edinglassie, Knights Conjunct Sherriffs Prinlls of Banffshyre.

The whilk day compeired personally Sir John Gordon of Park, Knight and Barronett, who produced ane patent granted to him by our S. L. the Kings Mtie under his Mties great seal of his ancient Kingdome of Scotland creating and constituting him and his airs male for ever Knights Barronetts in mainer and conforme to the sd patent after insert, and desired that he might be enrolled in the suite roll for the head courts of the sd Sherriffdome conforme to his dignity as Knight Barronett aforsd, and that the said patent might be insert and regrat in the Sherriff court books of Banff theirin to remaine till futur memorie; whilk desire the saids Sherreffs having considered ordained the sd Sir John Gordone of Park to be inrolled in the sd suite roll in mainer forsd, and that the sd Patent might be insert and regrat in the head court book of the sd Sherriffdome to the effect above wrten, off the whilk patent the tenor followes and is thus—*Jacobus Dei gratia Magnæ Britainiæ ffranciæ et Hiberniæ Rex fideiq defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint salutem; Quandoquidem nos intelligentes omnes honoris et dignitatis titulos in*



dominiis hisce nostris a nobis tanquam prima fonte et scuturigine in subditos nostros de nobis bene meritos, unice promanare Cumq nobis abunde satisfactum sit de dignitate et meritis Domini Johannis Gordone de Park deq suūno suo zelo et promptitudine ad servitium nostrum promovendum Nosq hac ratione benigne cupide durabilem quandem regii nostri favoris tesseram in illum conferre ut animus et vires illi addantur in servitio nostro pro futuro perseverandi: Noveritis igitur nos ex certa nostra scientia proprioq motu virtute potestatis nostrae et prerogativi regalis pro nobis et successoribus dedisse concessisse et contulisse sicuti tenore presentium damus concedimus et conferimus in dictum Dominum Johannem Gordone de Park et heredes suos masculos in perpetuum titulum honorem ordinem gradum et dignitatem Militis Baronetti et per presentes facimus creamus et constituimus praefatum Dominum Johannem Gordone de Park, ejusq heredes masculos praedict in perpetuum Milites Baronettos ordinamus . . . . . eos eorumq uxores et liberos rexive eodem titulo cum prioritatem et praecedentia tam publice quam privatim post datam presentium frui et gaudere eodem modo quo quivis alius Miles Barronettus intra dict regnum Scotiae ejusq uxor et liberi quovis tempore praeterito potiti et gavisī sunt vel eodem in posterum frui et gaudere poterint cum generalitate presentium omnibusq aliis formalitatibus et solemnitatibus quibuscunq dispensamus mandamus porro Leoni nostro armorum regi ejusq ffratribus fferialibus ut praefato Domino Johanni Gordoun de Park ejusq hæredibus masculis praedict talia insignia armorea seu prioribus additamenta qualia videbuntur congrua dent et praescribant: In cujus rei testimonium presentibus magnum sigillum nostrum appendi praecipimus apud aulam nostram de Vindsore vicesimo primo die mensis Augusti anno Domini supra millesimam sexcentessimam octogesimo sexto regniq nostri anno secundo per signaturam manu S : D : N : Regis suprascripti et sic a tergo scribitur. Wrten to the great seal and regrat the sext day of October, 1687. Subt. thus Jo Graham. Sealed at Edr the sixt day of October, 1687.—J. HAY.

THE REVOLUTION IN BANFFSHIRE. OCTOBER, 1688—MARCH, 1689.

The County Militia, after assembling on 15th October, probably joined Erroll's other Aberdeenshire companies on their way to the general rendezvous appointed for the northern levies at Brechin. When King

James's proclamation was read in Cullen<sup>1</sup> ordaining the militia, heritors and others to march to Brechin, and there await further orders from his Majesty, it was promptly obeyed. The Council minute condescends on the names of the five soldiers and pioneers sent out that year and probably at this juncture: Thomas Anderson, Alexander Anderson, William Smith, John Rathven, and John Cumming, who were armed with three muskets and two 'picks.'

Shortly after embodying the militia of Scotland, King James, to strengthen his hold on London, ordered south the compact standing army of Scotland, consisting of 3000 well trained loyal troops, under such leaders as Queensferry and Claverhouse. In Scotland the removal of the regular army to London at once placed the dominating power in the hands of the newly embodied militia and their leaders, who were predominantly Lowland, Presbyterian and Whig. This was the more accentuated as the Highland Clans, traditionally loyal as most of them were, had not been called out. The northern militia, also solidly loyal, probably marched no further south than Brechin; while the lowland and western Whig regiments of militia filled Edinburgh, the seat of the government.

On the 5th of November, 1688, William landed at Torbay in Devonshire. He had at first a chilling reception. Had James, therefore, who had a well trained standing army at command, boldly attacked the Prince at once, he most probably would have been victorious; but his fatal irresolution and want of action, and the consequent successful intrigues of his opponent with the leaders of the King's army, many of whom had served in the Dutch wars, gave William victory without a blow. With the withdrawal of James abroad in December the Revolution became an accomplished fact, and William reigned *de facto* King in his stead. The regular army of England became Orange, and with the exception of a few ultra loyalist Jacobite leaders like Viscount Dundee, the Scots regular army in England, after the withdrawal of James, likewise verted to William.

#### ALEXANDER, FIRST DUKE OF GORDON.

Dundee and Balcarres, who had through all temptations remained true to James, returned to Scotland in February, 1689—Dundee with the King's commission as Commander-in-Chief of an army that did not exist, and with instructions to await orders, developments and troops before taking the field, and Balcarres with a commission placing him at the head of a civil administration, already in the hands of the other side, a commission destined never to be executed. In their absence in

<sup>1</sup> Dr. Cramond's "Annals of Cullen," p. 52.

England, Alexander, first Duke of Gordon, the most powerful nobleman in Scotland north of the Grampians, with large interests in the counties of Aberdeen, Banff, Moray and Inverness, alone stood out in arms for James, and continued to hold Edinburgh Castle for the King. A bolder initiative on his part would have served his master better; but even his defensive attitude in holding on to the Castle was important for James's cause, at a time when so many of the ruling cast were trimming. In Banffshire the Duke of Gordon was undoubtedly the most influential personality, though an adherent of the ancient Roman Catholic religion, both on his own account and on account of his great influence as the natural head of the powerful sept of the Gordons, the branches and cadets of that family being, generally speaking, very loyal to their head. Loyalty, however, in these critical times was often of a loose kind; and a salient feature of the Revolution and of the Risings of Fifteen and Forty-five, so marked that one is driven to the conclusion that it was calculated, was the frequency with which various influential men trimmed and changed sides, and members of the same families connected by blood or marriage ranged themselves on different sides, seemingly on the principle that whatever side won, some one in the family would be on the winning side. The Duke of Gordon's influence was paramount in Bellie and Rathven, including Enzie, parishes lying under the shadow of Gordon Castle, whose inhabitants were largely Roman Catholic. In these parishes, where his holding in land was extensive, he could also reckon on the backing of the Gordons of Gollachie, Letterfourie, Arradoul, Auchinreath, Glastirem, Thorniebank, Cairnfield, Cluny, Buckie and Freuchny. His influence was also strong in Mortlach, but here by a strange coincidence it was to be countered by two forces which one would have expected to have gone strongly with him. These were Alexander Duff, wadsetter of Keithmore, now also an extensive proprietor in Mortlach, long the Duke's Baron Bailie of the Regality of Auchindoun, with his lawyer son Alexander Duff of Bracco and of Balvenie, and Sir George Gordon of Edinglassie. In Inveravon, with John Roy Grant of Ballindalloch on the same side, the Duke's interest was supreme; and so it also was in Kirkmichael, or Stradoun, as it is oftener called, where the well-known John Gordon, Tutor of Glenbucket, long wielded the Gordon influence.

Meantime in the North there was unrest, uncertainty and excitement. What had become of the embodied militia of Erroll's regiment after James's departure abroad? My Lord Boynd, Troup, and Edinglassie, three of the four captains who had gone south in October, were at any rate north again in Banff on 6th March, 1689, and so likely was Captain Hay; and the probability is that the Banffshire companies had returned home again. The County and Burgh authorities anxiously awaited the

development of events. In Cullen<sup>1</sup> "the Bailies and Counsell agree to send in ane weeklie post to the Post Office at Banff for intelligence, and for that effect the Counsell allowes to the said post foure shillings Scots weeklie and allows to the postmaster his servant foure shilling Scots money for transcryeing of letters of intelligence weeklie"—the weeklie substitute in those old days for the newspaper of to-day. As cautious and orderly burgesses they further direct, no doubt in view of previous abuses, that "no ail, bear, or uther liquor [be] allowed to be sold or vented after the setting of the guard any night hereafter under the failzie of £40 Scots." To be ready for all emergencies, the Town Council, finding it necessary that the inhabitants should be exercised in arms, embodied the whole fencible inhabitants of the burgh in five squads of twenty-four men each, under the command of five Councillors, and ordered weekly exercises. That year 65 persons in the burgh of Cullen were provided with sufficient firelock guns, and as many of the other inhabitants as possible with densaxes.<sup>2</sup>

Early in 1689, London was swarming with Scots; and William, to regularise as much as possible his *de facto* sovereignty, on the advice of the leading Scots noblemen and gentlemen who had gone up to London to pay him court, and whom he had consulted in order that he might obtain as much sanction as possible to his assumption of royalty, agreed to summon a Convention of the Estates of Scotland. Accordingly on 5th February the Prince of Orange drew up at St. James's Palace, London, his missive letter summoning said Convention of Estates in Scotland. Later in the month it reached the north. To the Scots Parliaments Banffshire had long returned four Commissioners—two from the county and one from each of the royal burghs of Banff and Cullen; and the missive ordering the elections accordingly came to the hands of the Sheriff-Clerk of the county and of the Town Clerks of the two royal burghs. George Leslye of Burdsbank, Sheriff-Clerk of Banffshire, and the Town Clerks of Banff and Cullen acted upon the instructions contained in the letter; and their action in doing so shows that the government of the county by this time was so far at least with the *de facto* Sovereign.

#### ELECTION OF COMMISSIONERS FOR THE BURGHS OF CULLEN AND BANFF.

On the 1st of March the Town Clerk of Cullen produced the proclamation and commission directed to him by "His Highness the Prince of Orange." Following thereon, Mr. James Ogilvie, second son

<sup>1</sup> Dr. Cramond's "Annals of Cullen," p. 52.

<sup>2</sup> Probably Danish axes.

of the Earl of Findlater, an able, rising and ambitious young advocate, who was to carve out an earldom for himself, and by his statesmanship was materially to assist in the union of the Parliaments of England and Scotland, was chosen Commissioner for that burgh. Born in 1663, he was called to the Bar in 1685, where at first his relative Lord Boyne's influence contributed to his success. At this juncture he stood for King James. The records of the other royal burgh of the county, Banff, the head burgh of the shire, unlike those of Cullen, are silent about the public events of 1688 and 1689. We only know that Provost Walter Stewart, who had been Commissioner from Banff to previous Parliaments, was chosen to represent Banff at the Convention. He served in subsequent Parliaments down to 1700.

ELECTION OF LORD BOYNE AND ALEXANDER DUFF OF BRACCO  
AS COMMISSIONERS OF THE SHIRE.

The meeting of Freeholders who elected the Commissioners for the county was held on 6th March, 1689, and the following minute of their proceedings shows that the Prince of Orange, though he had not yet assumed the style of sovereignty, and could not constitutionally do so, impliedly did so when he spoke of "his kingdome of Scotland." His restriction of the electors and commissioners to Protestants, harmonizing as it did with the test act of Charles II., at the same time fitted well into the religious propaganda in his interest for the kingship, and squared with the predilections of the Presbyterians in the country, whose motive power carried him into the sovereignty.

Banff, 6th Merch, 1689 yeires.

The said day the Barrons and Freeholders off the shyre being convened, they in the first place did elect and choise my Lord Boyne preses, and thereafter ther being produced his Highnes the Prince of Orange letter, under his hand and seall off the date at St. Jamesses the ffyft day of ffebruary last bypast, bearing that upon a desyre off the Lords and Gentlemen off his kingdome off Scotland mett at Whythall, he had called a meiting off the Estates to be holden at Edr the fourteint day off Merch instant, and therfor in pursuance and according to the tenor off the said advyce requyred the Shreff Clerk off the sd shyre that upon the receipt of the sd letter to give publick intima<sup>o</sup>ne of the same upon the first Mercat day at the Cross of the Head Burghe of the sd shyre of Banff in the due and usuall maner, and to appoynt a day to be at least eight dayes after the said intima<sup>o</sup>n for the meiting of the Free-

holders at the Head Burgh of the sd shyre to choose their Comissioners for the meiting off the sd Estates at Ed<sup>r</sup> the sd 14 day of Merch, and to leave a cappy yroff and of the sd intima<sup>o</sup>n containing the day for electione affixed on the sd Croce, the Freeholders being Protestants and having the value of lands requyred by the law for making electione, the Comissrs being Protestants without any other exception or limitation, as the sd letter of the sd date forsd bears: In obedience to which order and intima<sup>o</sup>n accordnglie given at the haille paroches kirks off the shyre for the Barrons and Freeholders to meit<sup>r</sup> this day and place in order to the choising off the sds Comissioners, conveyed the Barrons and Freeholders following, as they who hes privilege and power be the act of Parliament in election off Comissioners drawn upon a subscribed list and heir ingrossed in maner under wrtten, to witt Sr Patrick Ogilvye of Boyn on off the Senators of the College of Justice, Sr John Gordon off Park, Knight and Barronet, Sr James Baird of Auchmeden, Sr George Gordon of Edinglassie, Alex<sup>r</sup> Gairden of Troup, Mr. George Meldrum of Cromby, Walter Steuart of Boige, Alex<sup>r</sup> Duff of Bracco, Mr. William Joass of Colynvart, George Keith off Northfeild, Captain James Ogilvye off Neytherdail, Robert Grant of Dunlugus,

, Anderson of Westertone, John Ramsay of Melrosse, James Ogilvye off Baldavye and George Leslye off Birdsbank.<sup>1</sup>

PATRICK OGILVIE.

GEO. LESLYE, cls.<sup>2</sup>

In the next place before proceeding to the election off the Comissioners it was objected against Westertoune that he can not have vote in the forsd election, because he is denuded of any right he can pretend to his lands in favors off Richard Maitland, donatur to his forfaultur, who stands infest publicklye yrin under the great seall, and he not present. Secondlie, any right he hes or could pretend yrto before he was denuded holds off the Lo of Balveny, and by particular act of the Excheqr reserving right of the superiortie to the superiors of Balveny, and yr ane decreit off the Lords of Session standing against him and the sds lands for ther fewdeutie of the same: Qrupon instruments wes taken be my Lord Boyn and Bracco as having right to the sd superiortie. To

<sup>1</sup> Here follow deleted the words--"and Adam Innes of Towiebeg."

<sup>2</sup> Cls. contraction for clericus.

the which it wes ansered by Westertoun that he hes a right from the true heritor.

Therafter the saids Barrons and Freeholders, after mature deliberation reasoning and voting amongst themselves, they be pluralitie off votes did elect nominat and choise, and be thir pntis elects nominats and choises the sd Sr Patrick Ogilvye of Boyn and Alex<sup>r</sup> Duff off Bracco to be Comissioners for them and the sd shyre, to keep and attend the said meiting of the Convention off Estates to be holden at Ed<sup>r</sup> the sd fourteint day of Merch instant, giving and granting to them ther full power warrand and comission to sitt vot reason treat and conclude upon all maters that shall be proponed debait and agente in the sd Convention, fullie and alse frelie as any other Comissioner or Member in the sd Convention shall doe, ratifieing all and whatsoever the sds Comissioners shall doe yranent.<sup>1</sup> In testimonie qroff thir pntis are subt be the sd Sr Patrick Ogilvye of Boyn and George Leslye of Burdsbank Shreff Clerk allowing alwayes lykas they allow to the sds Comissioners the charges granted and allowed to them be the<sup>e</sup> act off Parliament and conforme yrto in all poynts.

PATRICK OGILVIE.

GEO. LESLYE, cls.

#### ANDERSON OF WESTERTOUNE.

The following sasine minutes throw some light on the Andersons of Westertoun, Botriphnie, an estate now and for long in the hands of the Duffs of Drummur. Issobell Douglas, wife of James Anderson, was a daughter and co-heir of Dr. Alexander Douglas, Provost of Banff and Sheriff of the county, a covenanter and a supporter of Cromwell's rule. The two extracts from Lord Fountainhall's notes show that their son, young Anderson, referred to in the above minute of 1689, had inherited similar views.

23 January, 1665.—Seasing Johne Andersone, now of Arbreak, of the toune and lands of Midle and Easter Ardbrake, Slagraney, Shenwall, and croft of land called ye Letache myln and mylnlands of Ardbrake, w<sup>t</sup> the foure oxegate lands of the Davauch of Auchmadies, Ile and Dask w<sup>in</sup> ye Kirk of Botriffnie.

10 Nov., 1665.—Seasing Mr. Patrick Andersone, fhear of Ardbrake,

<sup>1</sup> Here is deleted a clause stipulating that the Commissioners give their services gratis.

of the two oxengatte toune and lands of Newfortrie, uyreways callit New Cranoch.

November, 1666.—Saising Issobell Douglas off and upon the just and equall half off the toune and lands of Slogmoholl, and toune and lands of Breauch and uthers.

6th November, 1667.—Saising Issobell Douglas, spous to James Andersone of Westertoune, of all and hail the toune and lands of Westertoune of Ardbrek, Ardbroddine, mylne of Ardbroddine, mylne lands, toune and lands of Lochend and Ryzell, and uthers.

26th ffebrj, 1668.—Saising James Andersone of Westertoun off all and hail the toune and lands of Lochend, and uthers.

24 Maij, 1668.—Saising James Andersone of Westertoune of the toune and lands of Slogmoholl, toune and lands of Breach, the toune and lands comonlye called Meikle and Litle Dytach, and uthers.

26 Maij, 1670.—Saising given to James Andersone off Westertoune of all and hail the toune and lands of Wester Ardbreck, Midle Ardbreck, Slagrana, Shanvell, Easter Ardbreck, mylne yroff, Ardbrodine . . .

Anderson,<sup>1</sup> younger of Westertown, is, upon Duff of Bracco's delation to the Chancellor, imprisoned in Edinburgh Tolbooth, for treasonable words in the tavern, at a glass of wine, by asserting the lawfulness of defensive weapons against tyranicall principles, and impugning the King's absolute power, assumed in the late Proclamation of Toleration implied; immediately a proces of Treason is raised, and his compearance to be 28th of March; he raised an exculpation on thir grounds, that anything that's past wes but problematick only for argument; and the witnesses were in law inhabile, Bracco bearing him mortall hatred, and had appealed him to a duell, though they were now drinking together; and Dunbar, Session Clerk of Elgine, one of the witnesses, stands infamous in a sentence; he was willing to take the new oath, and the Cause is continued, 16th March, 1687.

Anderson<sup>2</sup> of Westertown, having come in the King's mercy for treasonable words delated by Duff of Bracco, is forfeited, 26th July, 1687.

<sup>1</sup> Fountainhall's "Chronological Notes," p. 213.

<sup>2</sup> Do. do. p. 219.



COUNTY GOVERNMENT IN BANFFSHIRE DURING THE REVOLUTION  
FROM MARCH 1689 TO 1691.

The Rising of Dundee in 1689 and the subsequent operations in the field by the Highlanders under Cannan and Buchan, which flickered out in 1691, had disorganised the county government. At the Pasch Head Court of the county on 5th April, 1689, when the settlement of the Crown was still in suspense, neither of the conjoint Sheriffs had attended to constitute the court; and the Clerk was content merely to mark the roll, on which the laird of Troup alone appears as being present, five others only, including Lord Boynd, having sent excuses. In October, at the Michaelmas Head Court, the same year, there was still no Sheriff in attendance; and the Clerk did not even make any markings on the roll of those who were present or sent excuses, if any, or who were absent. At the Pasch Head Court on 25th April, 1690, just on the eve of the fight at Cromdale, though no representative of the King was present, there were personally present the laird of Troup, Mr. Thomas Meser of Todlaw, John Abernethy of Meyan, and Mr. William Joass of Colleonward. The Earl of Airly was present by proxy; and the Duke of Gordon, Lord Oliphant, Lord Boynd, Lord Auchintouel, the laird of Auchmedden Sheriff Principal, the laird of Edinglassie Sheriff Principal, the laird of Dunlugas, the laird of Buckye and Alex<sup>r</sup> Duff of Bracco sent excuses. At the Michaelmas Head Court on 3rd October, 1690, there attended the Earle of Airly, the laird of Park, the laird of Killmachleone, the laird of Bogny, Mr. Thomas Macer of Todlaw, David Cruickshank of Balnoon, John Abernethie of Meyan, Mr. William Joass of Colleonward, John Innes of Edingeith and Birkenburn. At neither of the Head Courts of 1690 therefore did any Sheriff attend. Whatever may have been the case with Sir James Baird and the Sheriffs-depute, Sir George Gordon was probably too busily engaged in the field to attend to his judicial duties.

SIR GEORGE GORDON OF EDINGLASSIE.

Major-General MacKay, writing to Lord Melvill, Secretary of State for Scotland, on 12th October, 1689, says<sup>1</sup>:—I pray your Lordship to mynd the master of Forbes, who hath shewed as much affection to their Majesties service and the present cause as any man in Scotland; as did also Sir George Gordon of Edinglassie, who were very instrumentall to keep Aberdone and Bamffshires from joyning the ennemy when I was ingagged against them with small forces, before som was

<sup>1</sup> The "Memoirs of General MacKay," Appendix, p. 287.

got on foot. I have no intrest therin but the Kings service, for they are neither my relations nor acquaintance till the occasion of his service by distinguishing themselves therin did make them known to me.

Writing later, on 31st October, 1689, General MacKay continues<sup>1</sup>—  
 “My Lord, Sir George Gordon of Edinglassie having distinguished himself in affection and readynesse upon all occasions to serve his Majestie and the interest of the Protestant religion, and the Pryvy Counsell upon the reiterat reports which I made of his unwearied zeale and pains for the advancement of their Majesties service, having recommended him for the first vacant troop among the hors or dragouns, and now, the Laird of Blair being dead, I pray your Lordship to recommend him for his troop. It will shew others that his Majestie is not insensible of honest mens services, and be more serviceable in his hands then any two of the rest, for he is a brauve sturring man, besydes, my Lord, that he hath got a considerable losse in his hous and lands which were intirely plundered, when I was oblided to make a retreat of 2 or 3 dayes this soumer before the Highlanders to joyn more forces, at which tyme he abandoned hous and all to cum joyn mee. I pray you, my Lord, let it not goe by him. The old man that commands it provisionally is not so fit. I can assure you none in Scotland will do more service upon the head of it then hee.”

Before Killiecrankie, when MacKay in June 1689 retreated before Dundee from Culnakyle in Strathspey via Balvenie Castle to Suyhill in Strathdon, he had been assisted in Banffshire by Edinglassie. On that occasion Edinglassie's house was plundered and burnt. Later, in August, after Killiecrankie, when MacKay was operating in Strathbogie and near Auchindoun Castle against the Jacobites under Cannan, Edinglassie rendered him effective service.<sup>2</sup> He received the commission recommended on 18th December, 1689.<sup>3</sup> In the interval between the Michaelmas Head Court of 1690, and 22nd January, 1691, Sir George Gordon of Edinglassie dropped from the suite roll, having died at his low country estate of Carnousie, Forglen. According to the author of the Balbithan Manuscript,<sup>4</sup> Sir George Gordon, Captain of the Independent Troop of Horse that belonged to the Earl of Annandale, “died att Carnousie, and was honourably and splendidly buried

<sup>1</sup> “The Memoirs of General MacKay,” Appendix, p. 293.

<sup>2</sup> “Seafield Correspondence,” Scottish History Society, pp. 53, 54.

<sup>3</sup> Warrant Books (Scotland), Vol. XIV., p. 244.

<sup>4</sup> “The House of Gordon,” Vol. I., p. 38.

in the Isle of Corncairn or Ordewhill, his whole Troop in mourning and a great retinue of his friends accompanying his Interment with all Martial solemnitie."

The following extract from the manuscript minutes of the Privy Council of Scotland, while dealing with the case of his son Captain George Gordon, relates Edinglassie's sufferings after Killiecrankie.

REFERENCE ANENT GEORG GORDOUNE.

At Edinburgh, 22nd January, 1691.

Anent a petition given in to the Lords of their Majesties Privy Councell be George Gordoun of Carnousie, one of the present Captains in the Laird of Grant's regiment, shewing that quher by their Majesties proclamation of the tuenttie sixth of December last not only the souldiers but also the officers under the comand of the Earle of Glencairne, the Viscount of Kenmuir and the Laird of Grant, the thrie regiments are appoynted to repaire to the garrisone of Inverlochie, by which proclamation in question it was supposed none of the companies of those regiments were ther, wheras the petitioners company and himself and inferior officers were allwayes and yet remaine ther, and the petitioner by reasone of his indispositione of body and want of health had a forloft<sup>1</sup> from his supream officer, and in respect Sir George Gordon of Edinglassie, the petitioner's father, who was a Captain of horse in their Majesties service and dyed therin of late, and by reasone of his service suffered in great by the Highlanders who were in armes against the government, having pllundered his house and pilladged and brunt his lands, and also in respect the petitioner's elder brother<sup>2</sup> is now at Vinniece att his travells and that leist his affairs by his absence might suffer, the petitioner was necessitat during the tyme of his forlofft to come to Edinburgh and consult how his affairs should be manadged and cannot quickly goe to the place without great detriment to his brother's intrest, and lastly in respect the petitioner's company is allready at Inverlochye, and if to be disbanded his oune presence can signifie nothing how willing so ever he goe and as he will if their Lordshipps think it convenient, and is resolved to stopp over all

<sup>1</sup> Furlough, from the Dutch Verlof.

<sup>2</sup> John Gordon.

trouble and loss that otherwayes may therby fall out to his brother and his affairs, and therefore craving their Lordships to take the premises to their serious consideration and to dispence with the petitioners going to Inverlochie since the company is and have been from the beginning ther, and the Leivtenant and Ensigne being ther will doe all that the petitioner can doe were he ther himself. But all this is craved in cace of so great necessity and yet with submission to their Lordships will and pleasure by which he resolves to be determined aither to stay or goe as the said petition bears. The saids Lords of their Majesties Privy Councell having considered the above petition, they remitt the samen to Sir Thomas Livingstoune, Commander in Cheif of their Majesties forces in this kingdome. to doe therin as he shall think fitt.

#### SOME OF THE BANFFSHIRE BARONS DURING THE REVOLUTION.

The Duke of Gordon, after his surrender of Edinburgh Castle in June, 1689, proceeded to London, where he made more formal submission to King William. His excusing himself from attendance at the Pasch Head Court at the county in 1690 indicated his continued acquiescence in the new regime. Next year, however, he visited the exiled Stuart court at St. Germain's, where he was coldly received. This visit must have made him suspect, and on his retiral to Switzerland he was arrested there at the instance of William's government and conveyed to Scotland. On 17th April, 1691, he was undergoing this confinement. He was in course liberated; but during William's reign he was on several occasions imprisoned on account of his suspected Jacobite tendencies.

The Earl of Erroll and the Earl Marischal continued in their correct attitude towards the new regime, in which they had early acquiesced. Earl Marischal was indeed soon active in support of it, being one of the members of the Commission appointed by Parliament in 1690 to visit the Scottish Universities. He was one of the Committee who inquired into the state of the Universities of Aberdeen that year when the Westminster Confession was imposed upon the Professors. He died in 1694.

James, Earl of Airlie's tendencies were Jacobite, but his restraint during the rising of Dundee in Edinburgh by the Convention kept him out of the struggle. His attendance at the Michaelmas Head Court of the Freeholders of Banffshire in 1690 indicates an acquiescence, however reluctant it may have been, in the new regime. By 1700 he

lost his holding in Banffshire, which was principally acquired by the rising family of Fife; and the name and ruin of the Lodging of Airlie in the Duff House gardens, Banff, now alone perpetuate the connection of this old family with the county.

The attitude of James, Earl of Findlater, was a reflection of that of his abler son, James Ogilvie, who was soon to absorb the influence of his house in the county and to stand high in the counsels of William.

William, Earl of Buchan, had, early in 1689, joined King James in Ireland. He was one of the Scots officers who came over to Lochaber in July that year with reinforcements under Cannan to support Dundee, and fought at Killiecrankie. They came over in three French men of war; and an interesting account of the defeat of the Scots naval squadron of two ships, the Pelican and Janet, which tried to stop their passage, by these French ships is given at pages 26-30 of the Editor's "Old Scots Navy, 1912." Along with Viscount Fren draught and other Jacobites he surrendered at Federate Castle in the spring of 1690. He was included in the process of forfeiture instituted by Parliament in May that year against the heads of the rebellion, and on 13th June the libel was found proved against him. On 14th July, the Lord Advocate intimated that, as the Earl had lately been taken prisoner, he did not insist on his forfeiture. The following extracts from the Privy Council Minutes throw light on the fallen fortunes of Fren draught and Buchan during their confinement by the Government. Buchan died in Stirling Castle in 1695.

#### WARRANT FOR TRANSPORTING THE VISCOUNT OF FRENDRUGHT.

At Edinburgh, 15th January, 1691.

The Lords of their Majesties Privy Councell doe herby recommend to and requyre Sir Thomas Livingstoune, Comander in Chief of their forces within this kingdome, to cause send from Monross to the Castle of Edinourgh under a sufficient guard Luies, lait Viscount of Fren draught, and ordaines the magistrats of Monross and keeper of their tolbooth to delyver the late Viscount to the said garde, and appoyntes the said Sir Thomas to give in to the clerks of Privy Councell a list of all such persones as are prisoners in the tolbooths of Monross, Inverness, Aberdein and Dundie upon the accompt of being in armes for rebellion against their Majesties, and that betuixt and Teusday nixt, and recomends to the governour and in his absence requyres the Leivtenant governour of the said Castle of Edinburgh

to receave the said Viscount of Frendraught prisoner and detainie him therin till further ordor.

ACT THE VISCOUNTESS OF FRENDRAUGHT.

At Edinburgh, 5th March, 1691.

Anent a petition given in to the Lords of their Majesties Privy Councell shewing that the petitioner's husband had ane very mean and inconsiderable aliment of six hundreth merks Scotts yearly with the benefite of the house yeards and some litle parks and meadowes belonging therto alloued to him of the liferent and joynture of Christian, Viscountess Dowager of Frendraught, his sister-in-law both in respect that the said Dowager did liferent the whole free state and fortune of the petitioner's husband belonging to him as the only nearest air of the family, and lykewayes for severall other serious causes and considerationes moving the then Lords of Privy Councell therto, which mean aliment being all the sustenance and mean of livelyhood the petitioner did enjoy since the date of the said decreit which is the            day of            j<sup>m</sup>vi<sup>c</sup> and eighty            years, and upon the forefaulture of the petitioner's husband the same is not only sequestrat by the saids Lords ordor but ther is lykewayes ane chamberland and factor viz. . . . Turnbull of Standhill appoynted for uplifting this poor aliment, which having been laboured by the petitioner her oune propper bestiall and souen with her oune cornes, the petitioner is informed that the said            Turnbull, chamberland, appoynted by the saids Lords did extreemly threaten and minace the petitioner's greive who hes the oversight of this poor labouring not only to give him ane inventar but lykewayes to delyver and putt in his hands the haille outsgit and insight plenishing belonging to the said lauboring besyds what other bestiall belongs to the petitioner, and which by her oune industrie while her husband was out of the way did acqyre, so that it is left to the saids Lords to judge what miserable conditione the petitioner will by this means be brought to being depryved of her very bread, and it is but needless for her to express the miserable and sad calamities which will undoubtedly ensue to the petitioner if their Lordships out of their tender compassion to ane poor miserable distressed lady doe not

find out ane remedy, and the petitioner being incouradged to apply to the saids Lords out of the confidence she hes of their goodness and charity quhich the petitioner's circumstance does loudly call for, and lykewayes considering their Lordships bounty and benevolence formerly extended to others upon the lyke application, whom the petitioner thinks she need not name, the acts of their Lordships indulgence and favour towards them being so fresh and recent, the petitioner cannot but think that the saids Lords will be also favourable in preserving to her this her poor myte which is all she aither hes or can pretend to in the wordle for her lyvelyhood, and without which she cannot but expect to be exposed to the fatall hazard of the miserie yea of starving itself, and therfore humbly craving their Lordships to take her deplorable condition to their serious consideration and to allow her the benefite of this poor aliment and to grant warrand for dlscharging the said

Turnbull, their factor, from trowbling or molesting the petitioner in the possession of this her mean aliment, which can be of noe import to the government being soe inconsiderable), and lykewayes from threatning and minacing the petitioner's servants and lauborers or meddling or intrometting with any pairt of her poor stock upon the ground that so by their Lordships clemency, bounty and compassion the petitioner may enjoy that without which it is impossible for her to subsist as the said petition bears. The saids Lords of their Majesties Privy Councell having considered the above petition presented to them be the Viscountess of Frendraught, they heirby approve and continow the petitioner's possession of the above aliment of six hundred merks yearly for the cropts and years of God j<sup>m</sup>vi<sup>c</sup> nyntie and j<sup>m</sup>vi<sup>c</sup> and nyntie one, and allowes the petitioner to labour the lands formerly possest be her for the forsaid aliment, and appoyntes the above

Turnbull, chamberland, appoynted for uplifting the rents of the saids lands, to repay to the petitioner what he has uplifted therof for the forsaid years and to restore and delyver back againe to her and her tennents the lauboring goods of the saids lands intrometted with be him for the saids tuo years and discharges him to trowble or molest the petitioner or her tennents in the peacable labouring occupying and possessing the samen during the saids tuo years.

WARRANT FOR TRANSPORTING THE EARLE OF BUCHAN AND  
VISCOUNT OF FRENDRAUGHT FROM EDINBURGH TO STIRLINE.

At Edinburgh, the 21st July, 1691.

The Lords of their Majesties Privy Councell doe heirby recomend to Sir Thomas Livingstone, Comander in Cheif of their Majesties forces within this kingdome, to cause transport under a sufficient guaird from the Castle of Edinburgh to the Castle of Stirline the persones of                Earle of Buchan and Lewis, Viscount of Frendraught, and recomends to David, Earle of Leiven, Governour of the Castle of Edinburgh, and in his absence ordaines the Leivtenant Governour or nixt comanding officer ther to delyver the said Earle and Viscount to the said guaird, and ordaines Captaine Johne Erskine, Leivtenant Governour of the Castle of Stirline and in his absence the nixt commanding officer ther to receive the said Earle and Viscount from the said guaird and to detain them prisoners in the said Castle of Stirline untill farder order.

ACT VISCOUNT FRENDRAUGHT.

At Edinburgh, 25th February, 1692.

Anent the petitione given in to the Lords of there Majesties Privie Counsell be Lodovick, Viscount of Frendraught, shewing that ever since the surrender of the house of Fedderett, the petitioner has been kept prisoner and all the rest that were included in the articles of capitulation being sett at liberty, and the petitioner's lady haveing only six hundreth merks out of the estate of Frendraught which cannot mantaine him and her both, and never haveing hade ane six pence from the publict since his imprisonment, and therefore humbly craveing that there Lordships would be pleased aither to ordaine the petitioner to be set at liberty upon his finding cautione to appear when called or otherwayes to allow him such ane competent alimant as is agreeable to his rank and quality as the said petitione bears. The saids Lords of there Majestyes Privie Counsell haveing considered this petition given in to them by the above Viscount of Frendraught they superceed to give any answer therto untill his Majestyes pleasure be knowen in the above matter in respect the



Viscount hes not imbraced the benefite of there Majestyes indemnity, and in the meantyme appoints ane authentique coppie or extract of this petitione under the hands of the clerks of Counsell to be transmitted to the Secretaries of State that they may acqnant there Majesties there with.

LIBERATIONE VISCOUNT FRENDRAUGHT.

At Edinburgh, 8th December, 1692.

Anent the petitione given in to the Lords of there Majesties Privie Counsell be Lodovick, Viscount of Frendraught, shewing that where the petitioner being still prisoner since the surrender of the Castle of Fedderet yet he cannot but acknowledge his sence of gratitude which the saids Lords were pleased to grant him by the late enlargement, and in respect that the petitioner has little or nothing to live upon and that some of his relationes are dyeing which would be a great loss to him if he should not be present befor they dyed, and in regaird that Sir Thomas Livingstoun by there Lordships order allowed the petitioner to use all means for his releasment aither by exchange of prisoners in France or any other way the supplicant could fall upon, as ane double of a letter direct from the said Sir Thomas to the petitioner produced with the said petitione hes testified, and seeing that there is only six hundred merks allowed to the petitioner's ladie which cannot mantaine them both, and that all the prisoners that were taken in the house of Fedderet are sett at libertie, and therefore craveing to the effort underwritten as the said petitione bears. The saids Lords of there Majesties Privie Councill haveing considered this petitione given in to them be the above Viscount of Frendraught, they hereby grant order and warrand to the deputie Governour of the Castle of Stirling and in his absence to the nixt comanding officer there to sett the petitioner at liberty furth of the said Castle in respect he has found sufficient cautione acted in the books of Privie Councill that he shall live peaceablie under and with all submissione to the present government of there Majesties King William and Queen Mary, and that he shall not act consult or contrive anything in prejudice thereof nor shall not converss nor correspond with rebels, and that he shall appear befor the

said Lords upon the last Tuesday of February nixt to come or sooner if he shall be called under the penaltie of ane hundreth pound sterling in case the petitioner shall transgress in any pairt of the premises.

LIBERATION VISCOUNT OF FRENDRAUGH.

At Edinburgh, 16th February, 1693.

Anent the petitione given in to the Lords of there Majesties Privie Councell be Lodovick, Viscount of Frendraught, shewing that where the petitioner haveing been alwayes prisoner in the Castles of Edinburgh and Stirling since the surrender of the Castle of Fedderett, and haveing in the moneth of                      last made application to the saids Lords for liberatione for some tyme for goeing to the north countrie about his private affairs and particularly for ordering some important matters betwixt the petitioner and                      a very near relation who was then adyeing, which the saids Lords were graciously pleased to grant upon the petitioner's finding cautione to re-enter the twenty sixth instant, and since the said                      hes never been yet in a capacity of doeing any affairs with the petitioner by reasone of his great sicknes, and that it will be ane great loss to the petitioner if he be not present with him for setleing his affairs befor his death which is every moment expected, and that the petitioner's fortune being so mean and 'scarcely able to mantain him and his family even while they are at home farr less to defray the expenses of comeing south and being confyned to prisone, whereby the petitioner will be obleidged to keep two familyes, one in the north and ane other in prisone, and neither is the petitioner able to defray the expenses of so frequent applicatione to the saids Lords in renewing his baill if there Lordships limite the petitioner's day of re-entrie to so short a tyme, and therefore craveing to the effect underwritten as the said petitione bears. The saids Lords of there Majesties Privie Councell haveing considered this petitione given in to them be the above Lodovick, Viscount of Frendraught, they hereby allow the petitioner to continow at liberty in respect he hes found sufficient cautione acted in the books of Privie Councell that he shall live peaceably under and with all submissione to the present government of there Majesties King William and Queen Mary and that he shall not act, consult nor

contrive anything in prejudice thereof nor converse or correspond with any rebels, and that he shall appear before the saids Lords of Privie Councill when called for under the penalty of fyve hundreth pound sterling in case he shall transgress in any pairt of the premises.

George, third Lord Banff, who succeeded in 1668, had been present at most of the county Head Courts from 1668 to 1685. How it came about that, Roman Catholic and Jacobite as he was, he was absent from all these courts during James's reign is uncertain. Certain it is that during William's reign he continued to absent himself from the Head Courts of Freeholders, while he does not appear in the sederunt of any of the meetings of the Commissioners of Supply. In August 1691 though in possession of the Privy Council's pass he was imprisoned by Colonel Jackson in Aberdeen in the circumstances explained by his younger brother Alexander Ogilvie afterwards Lord Forglen in the following letter to Sir James Ogilvie son of the Earl of Findlater dated 15th July 1691.<sup>1</sup> 'The Earle of Craufoord having stoped resignation to be made upon ane dispositione be my Lord Bamff to me, upon the pretence that my Lord Bamff was in the rebellion, qthch is a mistake, for my Lord being in his north goeing at Forvie was by ane partie of the Hilanders caried to there camp qhare he stayed hardlie halfe one day, and thereafter at Aberdein by Jacksone was detained upon incondiderat expressiones as Jacksone alleadged and my Lord Bamff still denyed; and I belive all proceed from my Lord Bamff his being in drink as I was credable informed, I have wreaton to the Veicecount of Arbuthnot to represent the caise to the Earle of Crauford.' Earlier in February that year he was liberated as the following Minute of the Privy Council of Scotland shows:—

#### WARRANT FOR LIBERATING THE LORD BANFF.

At Edinburgh, 26th February, 1691.

Forasmuch as the Lords of their Majesties Privie Councill did by their act of the date the third day of February instant authorize and appoynte Colonell John Buchan to receive from the persones named in the said act who surrendered themselves to their Majesties mercy, and were then under guards and baill at Aberdein quherof George, Lord Banff is one, bonds with sufficient cautioners that they shall live peaceably under their Majesties government and shall not consult.

<sup>1</sup> See the Editor's "Seafield Correspondence," pp. 71-2.

nor contrive anything in prejudice therof and shall not converss or correspond with any rebells and that they shall appear before the Lords of Privy Councill when called for each of them under the respective penalties contained in the said act, and discharged the said Collonell to sett any of the saids persones at liberty untill he returne the saids bonds to the clerks of Privy Councill that they might report the same to the saids Lords and gett their Lordships approbation and warrands for liberating of the saids prisoners as their cautioners should be allowed, conforme therunto the said Collonell hes returned to the saids clerks ane bond subscrivit be the said Lord Banff and his cautioner therein named in the termes of the forsaid act and under the penalty therin and in the said bond contained, which bond being presented to the clerks of Councill to the Lords therof and they having considered the same, they approve of the said bond and cautioner therin and finds the same to be conforme to and in the termes of the above act both as to the baill, penalty and haill tenor of the same, and the saids Lords authorizes and appoyntes the saids clerks of Councill to give out ane act to the said Lord Banff ordaining the said Collonell Buchan or in his absence the next comanding officer at Aberdein under whose guairds the said Lord is, to remove the saids guairds from off him and sett him at liberty.

Charles, Lord Oliphant was under arrest in February, 1690. The following extract from the MS. Minutes of the Privy Council of Scotland deals with his imprisonment and liberation<sup>1</sup> :—

#### ACT IN FAVOUR OF THE LORD OLIPHANT.

Edinburgh, 11th April, 1690.

Their Majesties' High Commissioner and Lords of Privy Council having heard a petition given in to them by Charles, Lord Oliphant, craving the said Lords to take trial of the cause of his committment, and in case it was found that he was innocent, and had acted nothing against the government, to grant warrant for his liberation; the said Lords of Secret Council do recommend to Major General McKay to write to Colonel Liveingstone for an account from him or Lieutenant Agnew, who apprehended the petitioner, of the cause for which he was

<sup>1</sup> See also the Editor's "Seafield Correspondence," p. 70.

taken into custody; and, in the meantime, recommend to the Earl of Mortone to try if he will find caution for his peaceable behaviour and appearance when called in the ordinary terms under the penalty of two hundred pounds sterling, which he doing, grants warrant for his liberation.

On 18th April he was liberated, the Earl of Morton being his cautioner. He was fined for his absence from the Head Courts of the county frequently during William's reign, and precepts for the recovery of the fines were more than once issued. He and his house drop from the Banffshire roll of Freeholders in 1711. Charles Lord Oliphant was son of Patrick, Lord Oliphant, and Mary Crichton of Frendraught. His wife was Mary Ogilvie of Milltoun, Keith.

Sir Patrick Ogilvie and Alexander Gordon of Auchintoul appear shorn of their courtesy titles of Lord Boyne and Lord Auchintoul. On 21st November, 1689, a new bench of Judges was by royal prerogative appointed, with Sir James Dalrymple as Lord President, and all the old Judges except three were superseded. Lord Boynd and Lord Auchintoul, two Court of Session Judges, were amongst those superseded.

Lord Auchintoul, of the same family as the Cocklearachie and Ardmeallie Gordons, on 2nd September, 1661, succeeded to the family estate, the barony of Auchintoul in Marnoch, on the death of his father, who had liferented the same. Between 1669 and 1672 the Church courts more than once instituted proceedings against him as a Roman Catholic. In 1681 he settled Auchintoul in fee on his more famous son, Alexander, who was to become Major-General in the service of Czar Peter the Great, and was to take a leading part on the Jacobite side in the rising of the Fifteen. In 1684 he became an advocate; and in 1688, favoured now by his religion, he was created by King James an ordinary Lord of Session under the title of Lord Auchintoul. During his short tenure of office he could have had small opportunity of showing his fitness, and his supersession must have been mainly owing to his political sympathies for the Stuart cause. He died between Michaelmas, 1710, and Pasch, 1711.

Lord Boyne, after the first two sessions of the Convention Parliament, ceased to attend the meetings of the Estates. On 28th April, 1693,<sup>1</sup> Parliament took the extreme step of declaring his seat as a Commissioner for Banffshire vacant, on the ground of his non-attendance; and, on 23rd May, the Freeholders met and elected as his successor Sir James Abercrombie of Birkenbog, who was evidently a reliable and convinced supporter of the new Sovereigns. At the next Head Court that year,

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX., p. 250.

and during the rest of William's reign, Boyne was excused from attendance; and it was only when Queen Anne came to the throne that he recommenced to give personal suite and presence.

The Gordons of Rothiemay, Park, Edinglassie, Zeochrie, and Gleggerrack were closely related, and probably all followed during his lifetime the lead of Sir George Gordon of Edinglassie, which, as we have seen, was Orange.

John Grant of Ballindalloch fought for James under Dundee at Killiecrankie. On 15th January, 1690, at Tomintoul, twenty gentlemen of standing in Stradoun and Braemar, headed by him, by Gordon of Glenbucket, by Viscount Frendraught and by The Farquharson signed the following Bond of Association,<sup>1</sup> which, five months later, on 13th June, 1690, was to be produced in Edinburgh in evidence against the signatories by their Majesties' Lord Advocate:—

Wee vnder subscribers in testimonie of our loyaltie to our sacred & dread Sovran & for the securitie of our friends & good nightbours vus & protests befor the Almighty God & on our salvation at the great day to go on secritlye and with all the pour & strenth wee have to stike & bid by on another & when any of vs hier vnderscribers shall be stressed or any wayes molested by anie partie or enime whatsoever wee shall repair to thair aid with all our strenth & pour & that upon the first call without any further moor or delay & that wee shall never be byesed or broken of of this said asociation without the consent of his Majesties Ceneral & the major part of ourselfs so help us God wee have subscribed thir presents the 15th day of Janvary 90: at Tamentoul.

John Grant of Ballnadalloch.	Jo Gordone.	Frendraught.
Ja Farqrsoune.	Robert Grant.	The Farqrsone.
W. Grantt.	Jo Grantt.	A. Gordone.
A. Gordon.	Jo Farqrsone.	Will: Oliphant.
C. Forbes.	Jonathan Grant.	Johne M'Gregor.
K. M'Kenzie.	J. Forbes.	C. Farqrsone.
		Francis Gordon.
		W. Gordon.

13 June, 1690, Pduced by his Maties Advocate.

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX. App., p. 60.

The following extract from the Minutes of the Privy Council of Scotland a year later throws further light on political and religious feeling in Stradoun:—

WARRANT FOR DISARMING THE PAPISTS ABOUT BALLINDALLOCH.

Edinburgh, 10th June, 1691.

The Lords of their Majesties' Privy Council being sufficiently informed that the people of Ballindalloch within the shire of are very disaffected to their Majesties' government, and that the most part of them are bigot papists, and that the priests go up and down marrying and baptizing publicly as was done in the time of the late government, they hereby recommend to and require Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, with all diligence and expedition to take effectual course for disarming the papists of these parts in the terms of the Acts of Parliament, and to cause search for, seize and imprison the persons of the priests, and report his diligence and progress herein to the Council.

ALEXANDER OGILVIE OF KEMPCAIRNE.

The following extract from the Minutes of the Privy Council of Scotland deals with Kempcairne's Jacobite leanings. A letter dated 15th August 1689 by Alexander Ogilvie to the Earl of Findlater seems to be partly written in a kind of Jacobite cypher.<sup>1</sup> In February 1690 the Town Council Minutes of Banff bear that four indwellers were fined for "concelling and abstracteing there horses efter they were ordained to have them in radienes ffor convoyeing the persones of Charles Lord Oliphant and his Ladie, the Laird of Kempcairne and uys presoners."

RECOMMENDATION TO THE MASTER OF FORBES  
TO EXAMINE ALEXANDER OGILVY.

Edinburgh, 24 March, 1690.

Anent a petition given in to the Lord High Commissioner and Lords of Privy Council by Alexander Ogilvie of Kemptcairne, Robert Ogilvie, his son, and John Gordon of Davidstone, shewing that where the petitioners were upon the eighteenth day of February last apprehended by a party of Colonel Livingstone's regiment of Dragoons, being in the house of Alexander Ogilvie, younger of Kemptcairne, accidentally

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 52-3.

passing a visit, and carried prisoners from thence to Banff and from that to Aberdeen where they yet remain in custody under sentries; and seeing that the petitioners were apprehended upon a mistake and without any warrant, and know no crime they are guilty of that might have occasioned their confinement, and therefore humbly craving the said Lords to give orders for their examination and trial that their innocency might appear, and being found innocent, that the said Lords would order their liberation; their Majesties' High Commissioner and Lords of Privy Council having considered the above petition, they grant warrant and commission to William, Master of Forbes, to examine the petitioners and to take trial anent the ground of their committment and to examine witnesses thereanent; and in case that by the probation there appear no crime against them, with power to the Master to give order for their liberation with or without caution, as he shall find just; and if there be any crime proven, appoint the Master to give orders for their continuing the petitioners in prison and to transmit the probation to the Clerks of Council: And in the meantime recommend to Major General McKay to recall and stop the orders given by him to call Buchan for sending the petitioners to this place.

#### SUITE ROLL OF THE HEAD COURT OF PASCH, 1691.

At the Pasch Head Court held in Banff on 17th April, 1691, representatives of the Crown, after an interval of two years, at last appeared and constituted the Court of Freeholders, when John Campbell of ffreirtoun, who had purchased in 1680 the estate of Dalvey in Strathspey from Robert Grant of Dalvey and Dunlugus, and retained it for two years, and John Gordon, bailie of the burgh of Banff, Sheriffs-depute, presided in the absence of Sir James Baird of Auchmedden, who was ill. On account of the extensive changes on and additions to the suite roll of the county since 1689, the roll of 17th April, 1691, is given in full:—

Alexander, Duke of Gordone, ffor his landes of fforrest of Boyne, Endzie, Achindowne, Strathaven, Inverourie, fforletter, Gartlie and Coronosie.

John, Earle of Erroll, for his lands of Monblearie.

George, Earle of Marishall, for his lands of Inverugie, Durne, and Achinhamper and Northfeild.

James, Earle of Airlie, for his landes of Alvach, Tippetie and Bachlaw.



James, Earle of ffindlater, for his landes of ffindlater, Deskfoord and Castlefeild.

— Earle of Buchan, for his landes of Glendouchie, Downe and Monblearie.

George, Lord Banff, for his landes of Inchdrewer, Sandlay and Blairshinnach.

Charles, Lord Oliphant, for his landes of Pettindreich, Ardfour and Achinina.

Sir Patrick Ogilvie of Boynd for the thanedome of Boynd and for Reatties.

Alex<sup>r</sup> Gordone of Achintoule for his landes of Achintoule.

Sir James Baird of Achmedden for the landes of Pitgair and Avalds.

Sir James Abercrombie of Birkenbog for his landes of Galcroise.

Jon Gordone of Rothemey for his landes of Rothemey.

Sir Jon Gordon of Park for his landes of Park.

The aires and representatives of umqll Sir George Gordone of Eden glessie for the landes of Glenmarkie and Carnowsies.

Jon Grant of Bellindalloch for his landes of Tullochcarron.

Jon Ogilvie of Kempkairne for his landes of Drumnakeith.

Robert Grant of Dunlugas for the landes of Dunlugas and Muirden.

Jon Gordone of Beldornie for the landes of Beldornie.

Walter Stewart of Itlaw for the landes of Itlaw.

— Hay of Ranas for the landes of Muldavit.

The aires and successores of umqll Sir Robert Innes of Kinermonie for the landes of Kinermonie.

James Ogilvie of Baldavie for his landes of Baldavie.

Jon Stewart of Kinmachlen for his landes of Kinmachlen.

Mr. George Meldrum of Crombie for his landes of Crombie.

Alex<sup>r</sup> Gairne of Troup for his landes of Troup.

— Stewart of Lesmurdie for his landes of Lesmurdie.

The aires and representatives of umqll — Gordone of Buckie for the landes of Buckie.

— Moresone of Bognie for his landes of Convoy.

The aires and successores of umqll Meldrum of Lathrese ffor the landes of Drachlaw and Drachlamylne.

Mr. Thomas Mercer of Todlaw for his landes of Todlaw.

The aires and successores of umqll Mr. James Gordon of Zeochries for the landes and baronie of Zeochries.

- The aires and successores of umqll Alex<sup>r</sup> Gordon of Glengerrack for the lands of Glengerrack, Newmylne and Achinheives.
- David Gregorie of Kinairdie for the lands of Neatherdale.
- David Cruickshank of Balnoone for his lands of Balnoone.
- Jon Abernethie of Meyen for his lands of Meyen and Quoir.
- Jon Leslie of Kininvie for his lands of Kininvie.
- Mr. John Leslie of Tullich for his lands of Tullich.
- Arthur fforbes for his lands of Balvenie and Turttrie.
- Mr. William Joass of Colleyward for his lands of Denhead, Paddock-law and Whytetuties.
- William Cumeing of Achry for his lands of Bregach and Lettervandich.
- Alex<sup>r</sup> Duff of Keithmore for his lands of Lettoch and Aldachlaggin.
- Alex<sup>r</sup> Duff of Bracco for his lands of Pethnick, Knock, Shiells, Bracco, Craigleithie, Cornehill and Neathermylne, Belnamoone, Garrawood, Millegin, Echreis.
- Gordone of Arradoule for his landes of Maslie, Haughes and fforgie.
- Peter Russell of Moncoffer for his lands of Invereichnie.
- Jon Innes of Edingeith for his landes of Edingeith, Croylets, New Crannoch, Moistoun.
- Jon Ramsey of Melrose for his landes of Melrose.
- David Brodie of Lethin for his lands superiorities and feudeuties of the Abbacie of Kinlose in Strathila.
- Sutherland of Kinminitie for his lands of Kinminities and Taremore.
- Peter Sime for his landes of Poolfaulds.
- Walter Mitchell for his landes of Croylettes.
- The aires and successores of umqll Thomas Gordon for the lands of Crannoch.
- William Crystie for his lands of Crannoch.
- Jon Ogilvie of Cantlie for his lands of Crannoch.
- Jon Ruddoch for his landes of ffortrie.
- William Ruddoch for his lands of ffortrie.
- John Ruddoch of Burnsyde for his lands of ffortrie.
- Jon Neill for his lands of ffortrie.
- Jon Hay, Tutor of Ranas, for his lands of Echreis.
- Patrick Stewart of Tannachie for his lands of Myretoun.

James Innes of Lichnett for his lands of Lichnett.

The Representatives of the Bishope of Aberdein for his superiorities in Banffshyre.

The Representative of the Bishop of Morray for his superiorities.

The Persone of Rathven or his representatives.

The Lord of Ereccion of the Abbacie of Aberbrothick and the vassals of the sd Abbacie.

The Lord of Ereccion of the Abbacie of Couper and the vassalls of the sd Abbacie.

And James Stewart at the Boat of Spey for his lands of Clerkeseat.

The minute of the Head Court continues:—

And none of them comperieing personallie save Alex<sup>r</sup> Gairne of Troup, Mr. Thomas Mercer of Todlaw and Mr. William Joass of Colleyward, who upon their appeireance asked act of court and instruments, and Jon Stewart of Kinmachlen compeireand by George Chessor messgr in Banff his proxie, by a proxie given to him out of our So Lo and Ladies Chañrie for that effect received and admitted, and who yrupon took instruments, the sēall remanent barrons and vassalles above named being thryce lawllie called and none comperieing ware all fyned, unlawed and amerciat in the soume of fyftie poundes Scots mōey for defect of suite, and the soume of fyftie poundes mōey foresd for defect of presence, as they who owe suite and presence for their landes and uys . . . above spec<sup>d</sup> to this head court, except the persones undernamed, viz., the Duke of Gordon, the Earle of Buchan by reasone of their present restraint and confynement, the Earle of Airlie, the Laird of Auchmedden and Jon Leslie of Kininvie by reasone of their secknese and unabilitie, the successore of Edinglessie by reasone of his minoritie, and David Cruikeshank of Balnoone, whom the Shreffes deput excuses and assoylies fra any fyne.

#### SIR JAMES OGILVIE, SHERIFF PRINCIPAL OF BANFFSHIRE.

During William's reign the dominant force in the county soon came to be Mr. James Ogilvie, who in the wider sphere of national politics rapidly mounted to power, and by the end of the reign became, as Earl of Seafield, probably the most influential of contemporary Scots statesmen. After the settlement of the Crown in 1689 Mr. James Ogilvie not only acquiesced in the new regime, but was soon active in giving it effective support. Engrossed as he soon became in the wider affairs of state, it is characteristic of him that he never overlooked the

more local and restricted interests of his native county. On his election as member of Parliament for Cullen in 1689 he had written to the "bailyes . . . desiring if they had any grievances to present to the Parliament or Lords of Exchequer"; and it is interesting to note that, amongst other matters, the questions of sea encroachment and of harbour accommodation were then, as they are at the present day, pressingly engaging the attention of the local authorities on the Moray Firth. The "Bailzies and Councill concludes to send ane letter to the said Mr. James Ogilvie to supplicat the Lords of Counsell Exchequer or Parliament, as he shall find expedient, craving thereby ane voluntar contribution for repairing of the bullwork of this burgh, and also desiring him to attend lest ther be any alteration of the taxt rolls of burrows . . . and apprehends it expedient to putt him in memorie of all uther there grivances."<sup>1</sup> Next year the Council wrote Sir James, who had thus early received in his knighthood a recognition of his ability and a mark of the King's favour, to supplicate the Privy Council for a supply from all other Royal Burghs and persons, "for re-edifying and erecting of ane bullwark and making up of ane harbour at this Burgh."<sup>2</sup> That same year the Council records show that Sir James Ogilvie received £100 Scots for his expenses as Commissioner "for attending the Convention of Estates, and for attending the Parliament and Convention of Burghs."<sup>3</sup> In his patent of knighthood he was designed "of Churchhill." When, in 1692, the government were levying seamen along the coast, Sir James had an interest in Sandend, and the name Churchhill may have been derived from some part of his father's estate. The reference to him in 1692 of a dispute between the two rival Royal Burghs of Banff and Cullen as to their respective jurisdictions over the weights and measures of the county, and particularly at Hallow Fair, Fordyce, again shows the esteem in which he was held and the interest he took in local affairs.<sup>4</sup>

Sir John Dalrymple, Master of Stair, one of the Secretaries of State for Scotland, in the following letter refers to Sir James Ogilvie's appointment as Sheriff of Banffshire (in the letter erroneously called Buchan), his first step in political preferment:—

For SR JAMES OGILVY, Advocat,

London, March 8, 1692.

SR—Sinc my last, I have taken occasion to intertain his Majty upon that subject you wer pleased to propose to me of the Sherifship

<sup>1</sup> Dr. Cramond's "Annals of Cullen," p. 52.

<sup>2</sup> Do. do. p. 53.

<sup>3</sup> Do. do. p. 53.

<sup>4</sup> Dr. Cramond's "Annals of Banff," Vol. I., pp. 170-1.

of Buchan, and now I hav incouragment to desir you to transmitt to me a signater of that office, such as yow desir it. The King gives no offices bot during pleasur (excep to the Lords of Session), so yow will not desir it in other tearmes; bot his Maj<sup>ty</sup> hath retained many that did not deserv it at his hands, yett he hav givin us no example that he threw out any man that did not deliberatly oppose him; so I conclud as to yow it will be the sam thing as for life, for I persuad myself yow will never do anything unworthy of yr honor nor his Maj<sup>ty</sup>s favor.—And I assur yow I am sincerly, Sr, yr very humble serv<sup>t</sup>,

JO DALRYMPLE.

A Warrant<sup>1</sup> for the gift of the office of the “Sherefship of Bamff in favor of Sir James Ogilvy of \_\_\_\_\_, Advocate,” was signed at the Hague on 30th April, 1692. It was seemingly not acted upon, for a second<sup>2</sup> royal warrant in his favour was signed at Kensington on the 23rd of December, 1692, and was the warrant for his Commission as Sheriff Principal acted upon.

His appointment as Solicitor-General for Scotland on 31st January 1693, and his installation as Sheriff Principal of Banffshire in February 1693, were early steps in his rapid rise to power. The following succinct account of the state of the Courts in Banffshire during the period from July 1691 to February 1693 prefaces the engrossment in the Minute Book of the Barons and Freeholders of the County of Sir James Ogilvie’s Commission as Sheriff Principal of Banffshire.

#### SIR JAMES OGILVIE’S COMMISSION AS SHERIFF PRINCIPAL OF BANFFSHIRE.

In July Jm VJc. & nyntie ane yeirs Sir James Baird of Auchmedden, Shirreff Prinll of Banffshyre, dyed, and there was a vaccancie of the Shirreff Court and surcease of justice in the Shyre till ffebrii Jm VJc & nyntie thrie yeirs, at qch tym Sir James Ogilvie of Churchhill obtained a comissione to be Shirreff Prinll of Banffshyre, and on the second of ffebry 1693 the Earle of ffindlater, his father, presented his comissione, with a comissione by Sir James, to Nicolas Dunbar of Castelfeild, Shirreff Depute of Banff, and opened the Court. Of the which comission granted to Sir James, and as it is insert in the ordinarie dyet and sederunt booke begun 2d Febyr,

<sup>1</sup> State Papers (Scotland) Warrant Books, Vol. XV., p. 121, in the Record Office, London.

<sup>2</sup> State Papers (Scotland) Warrant Books, Vol. XV.

1693, the tenor followes:—Gulielmus et Maria Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex et Regina fidei defensores Omnibus probis hominibus ad quos presentes literæ n̄ræ pervenerint salutem Quandoquid nos intelligentes munus et officium Vicecomitis Principalis vicecomitatus de Banff in antiquo n̄ro Scotiæ regno in manibus n̄ris vacare et ad donationem et dispositionem n̄ram esse ex orbitu Dñi Jacobi Baird de Auchmedden et Dñi Georgii Gordone de Edinglassie nuper conjunctorum vicecomitum dicti vicecomitatus Nosq̄ autem abunde cupidi (cum plurimum regimine n̄ro intersit) quod dictum officium Vicecomitis Priñlis de Banff exerceatur per quendam notæ integritatis et fidelitatis et pro justicia subditis n̄ris administranda idoneum et satis compertum habentem facultates preclaras et aptitudinem Dñi Jacobi Ogilvie, Advocati, filii Comitis de ffindlater pro administranda justicia subditis n̄ris in dicta jurisdictione Et intelligentes etiam fidelitatem suam et affectum erga servitium nostrum Sciatis igitur nos nominasse constituisse et ordinasse tenoreq̄ p̄ntium nominare constituere et ordinare dictum Dñum Jacobum Ogilvie Vicecomitem Principalem dictæ jurisdictionis et Vicecomitatus de Banff et præcinctus ejusd durān n̄ro duntaxat beneplacito Ac per presentes damus concedimus et disponimus illi durante spatio antedicto predictum munus et officium Vicecomitis Priñlis de Banff cum omnibus feodis casualitatibus emolumentis et proficuis ejusd cum plenaria . . . potestate nominandi deputatos unum seu plures serjandos officarios procuratores fisci et omnia alia membra curiæ necessaria et usitata (exceptis clericis) pro quibus respondere tenebitur ac prestandi et exercendi omnia alia et singula ad dictum officium et jurisdictionem spectantia tam pleno jure libertate et privilegis quam quivis alius Vicecomes Principalis infra dictum regnum n̄rum hactenus exercuit aut prestitit aut in posterim exercere et prestare poterit In cujus rei testimonium p̄ntibus magnum n̄rum sigillum appendi mandavimus apud aulam n̄ram de Kensingtoun vigesimo tertio die mensis Decembris anno Dñi millesimo sexcentesimo nonagesimo secundo et anno regni n̄ri quarto . . . Per signaturam manu S. D. N. suprascriptam . . . and on the back yrof thus: Written to the great seall and regrat the fourteenth day of Jañry, 1693, and subt thus, Dun. Ranald Dept. and seallit at Edr. the fourteenth of Jañry 1693, and subt thus, Alex. Inglis, and the great seall appendit.

## EXHIBITION OF HERITORS' TITLES.

The new Sheriff Principal, at the ensuing Pasch Court of 1693, made arrangements for a careful revision of the suite roll of the County by exhibition of heritors' titles, so that he might account to Exchequer for their proper reddendos, and so that a proper roll in correct precedence might be made up shewing who could legally elect and be elected Commissioners of the Shire. He further ordered that vassals of lands formerly holden of Bishops be added to the roll.

Day forsd [21st April, 1693] the Shirreff deput enactes statutes and ordeines thatt all and sundrie the Vassalles Heretors Barrones and uthers above spect, and all uther Vassalles Barrones and Heretores if any be holding any landes within this Shyre imediatlie of their Māties in capite shall come to the Shirreff Clerk of the sd Shyre of Banff or his deutes to their office chamber att any tym they please betwix and the nixt Michaelmese Head Court, and present the originall rightes and infetments of their saids lands holden by them of the King in capite: And ordeines the Clerk or his deutes to take ane full notte thereof that it may be cleirly knowen who ought to be inrolled and called in the suite rolles of the sd Shyre as holdeing of the King, and who owes suite and presence to the Head Courtes and who not, and that their holdeinges and reddendos may also be known that the Shreff may give account yrof in Excheq<sup>r</sup> when called for, and lykeways that it may be knowen who hes vote in Electione of Comissioners, and who is capable to be elected Comissioner to the Parliat or Conventione of Estates when the samyn shall occure: And ordeines the Clerk to rectifie the old suite rolles and make exact new suite rolles of the saids Heretors Barrones and uthers holdeing of the King that every on may be called according to his rank and qualitie and dew place: And in the mein tym ordeines the old rolles to stand as formerly till such a new roll be made: Lykeas in respect of the Act of Parliat, 19th of July, 1690, anent the change of the lands formerly holden of Bishopes, &c., the Shirreff deput ordeines the Shirreff Clerk to doe all diligence he can to ffind out all the vassalls of any landes within this Shyre formerly holdeing of Prelates Bishopes or yr chapters Deanes Subdeanes or any uther beneficed persones, who now by the sd act are appoynted to hold of the King, and to add them to the suite rolles of the Shyre either old or new in their dew and proper place: And ordeines

them also to produce their instruments to the Shirreff Clerk or his deutes to the effect forsaid: And also ordeines all such of the Kinges few vassalls lyable and who were in use formerly to pay their pettie fewdewties or blensh dewties dew by them to the King to the Shirreffs of this Shyre to pay in the samyn to the present Shirreff or his deutes, or any uther persone they or aither of them shall appoynt for that effect, that the Shreff may give account yrof in Excheqr as use is, and that of all yeires bygon resting by them since their last discharges: And ordeines the sd presents to be publictlie intimat at the Mercat Croce of Banff that non pretend ignorance.

NICOLAS DUNBAR, Dep.

ELECTION OF SIR JAMES ABERCROMBIE AS A COMMISSIONER  
OF THE SHIRE.

On 5th May, 1693, Parliament declared vacant the seat of Sir Patrick Ogilvie of Boyne as Commissioner for Banffshire for non-attendance. A new election to fill the vacancy ensued, when Sir James Abercrombie of Birkenbog, a supporter of the new regime, with the support of Sir James Ogilvie, was elected.

ATT Banff the twantie third day of May Iajvy& and foure scoir thratteine yeires.

The which day compeired Nicolas Dunbar of Castelfeild Shreff depute of Banffshyre and produced ane Act of Parliat dateit the fyfth day of May instant whereby the ffreeholders of the shyre of Banff are appoynted to meitt and convein this day and place to elect ane Comissioner to represent the sd shire in this current Parliat in place of Sir Patrick Ogilvie of Boynd late Comissioner of the sd shyre whose place was by the sd act declaired vaccant for his not attendance as the sd act beares: In obedience qrunto the heall ffreeholders of the sd shyre being warnned by intimationes at each parish church on Sunday last to meitt and convein this day and place; Conforme to the qch Act of Parliat and intimationes yrof foresds the ffreeholders under-named, viz:—Sir Jon Gordone of Park, Sir James Abercrombie of Birkenboig, Robert Grant of Dunlugas, Walter Stewart of Itlaw, Jon Stewart yor of Kinmachlen, John Abernethie of Meyen, Alex<sup>r</sup> Duff of Keithmore, George Leslie of Burdsbank and Mr. William Joass of Colleynard compeireand, all in one voice (except the said Sir James Aber-



crombie of Birkenboig to be conjunct and joynt Comissioner to the current Parliat and heall dyetts yrof to the end thereof with Alex<sup>r</sup> Duff of Bracco former Comissioner of the said shyre to represent the shyre in Parliat as said is: With power to him to sitt vote reasone treat and conclude upon all matters to be treatted and handled in Parliat, and doe all uther thinges that any uther Comissioner of any shyre within the kingdome have done or in the lyke caices may doe, promising to hold firme and stable all and qtsum<sup>r</sup> thinges the sd Comissioner in the premises shall doe, alloweing alwayes to the sd Sir James Abercrombie the same circumstances with the sd Alex<sup>r</sup> Duff of Bracco as to his charges and expenses: And the saids ffrieholders have subscryved and delivered to the sd Sir James ane comissione to the effect foresd of the date of thir presents in presens of the sd Nicolas Dunbar, Shreff depute, and John Donaldsone, Clerk depute, of the sd shyre.

NICOLAS DUNBAR, Dept.

#### CHANGES IN COUNTY SUITE ROLL IN 1693, ETC.

At the Pasch Head Court of 1693, to the old holding of Alexander, Duke of Gordon, were added "his lands of Grange, Clerkseat, Bogelogie, Thorntoun, Murefaulds and Haughes." These lands were again mentioned in the Michaelmas roll of 1693. Between Michaelmas, 1693, and Michaelmas, 1698, his Grace's detailed holding is not given. At the Pasch Court of 1699, when his detailed holding is again given, the foresaid lands in the parish of Grange were not included; and the Duke must have previous to this dropped any interest he had in them.

At the Pasch Court in 1693 the Earl Marischal dropped the qualification of Northfield, in the parish of Gamrie.

At the same Court, after the name of Auchintoul, was added that of Ludovick Grant, Chief of the Grants, for the lands of Achmadies. The lands of Cuperhill were added in the Pasch roll of 1699.

At the Pasch Court of 1693, for Sir James Baird of Auchmedden, deceased, appeared William Baird, for Pitgair and Avalds.

At the same Court the entry of "The aires and representatives of umq<sup>ll</sup> Sr George Gordon of Edenglessie for the lands of Glenmarkie and Carnowsies" is truncated by the entry of his second son, George Gordon of Carnousie for Carnousie. It was not until Michaelmas, 1696, that the entry: "The representatives of umq<sup>ll</sup> Sr George Gordon of Edinglassie for the landes holden of the late Bishop of Aberdeen in non entry," viz., Edinglassie and Glenmarkie, in Mortlach parish, dropped out.

From the Pasch roll of 1696 there dropped the name of Jon Ogilvie of Kempkairne.

In the Pasch roll of 1693 appeared "Gordone of Straloch for Straloch, formerly holden of the Bishop of Aberdein, now of the King, by Act of Parliament, dateit the . . . ."

Mr. George Meldrum of Crombie, in the parish of Marnoch, died before Pasch, 1693, for in the suite roll of that Court his representatives were entered in his stead.

In the same Pasch roll appeared Mr. James Gordone of Davach for Zechries, as representative of his father the parson of Rothiemay.

In the same roll, instead of the "aires and successores of umq<sup>ll</sup> Alex<sup>r</sup>. Gordone of Glengerrack" appeared Charles Gordon of Gleggarrack, son-in-law of Alexander Duff of Bracco.

In place of Mr. John Leslie of Tullich there appeared in the Pasch roll of 1693 "George Leslie of Tullich for Tullich."

In the same roll appeared "Jon Anderson of Westertown for Westertown," and in the Michaelmas 1693 roll for "Ardrack" in addition. John Anderson dropped from the suite roll in Pasch, 1700.

Arthur Forbes of Balvenie dropped from the Michaelmas roll of 1694 with his holdings of Balvenie and Turtrie; and in his stead for these two holdings appeared Alexander Duff of Bracco.

#### SIR JAMES OGILVIE, AND THE BARONY OF OGILVIE.

James third Earl of Findlater dropped from the Pasch roll of 1694, and in his stead, but with lower precedence, and after the name of Sir Patrick Ogilvie of Boyne, appeared his second son, Sir James Ogilvie, for the baronie of Ogilvie. At the Michaelmas Court that year Sir James was entered in the roll before Boyne and after Charles Lord Oliphant.

On 31st January, 1693, Sir James Ogilvie was appointed Solicitor in Scotland to their Majesties. In office he now began to acquire and conserve the wealth that was in time sufficient to enable him, a second son, to cut through the money embarrassments of his father, redeem the ancestral property, and build up the extensive Seafield Estates in Banffshire. Writing to his father from Edinburgh on 25th December, 1693, Sir James says:—"I will this year be somewhat straitned for money. All your debts comes over me together. I most pay Jon Ogilvie's representatives. Baberton and I are near settled. Litteljohn's executors prattends you rest them fifteen hundreth pounds by bond. Let me hear from you of this. Blackhills insists vigorouslie, and Lintush is most rigorus. If it were not I gain money, and hes credit, I could not be able to pay so great soums without woodsetting or selling. Lest

there be any defect in my securitie, as I judge ther is none, yet it is thought fit your Lo. grant me ane bond to be the foundation of an adjudication, and you most be charged to enter air to your father, mother, grandfather or grandsher, and I will take my infestment on both. I know you will not refuse this, and it shal be no further used, bot for securitie of my lands dispomed I have sent the bond."

#### THE LAIRD OF PARK CLAIMS PRECEDENCE, 1694.

At the Michaelmas Head Court of 1694 the Laird of Park made claims of precedency, which he long continued to assert; and which the rolls show were properly not given effect to.

Therefter Sir Jon Gordon of Park protested agt. the roll and craved the Shreff would rectifie the samyn as to him, and ordein him to be placed and ranked yrin nixt efter the noblemen according to his patent of Knight Barronet qch gives him precedencie of all the Barrones called except noblemen.

#### TUTORY OF GORDON OF ROTHIE MAY.

John Gordon of Rothiemay, head of the family of which the Gordons of Park and Edinglassie were cadets, and always called in the suite roll before Park, dropped out at the Head Michaelmas Court of 1696, and Patrick Barclay of Towie, his only son by his wife Elizabeth Barclay, heiress of Towie, Auchterless, took his place. The Balbithan MS. says:—"The said John Gordon of Rothemey begat on his lady, the heiress of Towie, a son called Peter, who being next dore to an idiot, was induced to dispone the lands of Towie to Sir George? [Alexander] Innes of Coxton, his brother-in-law." The Minute Book of the Barons and Freeholders of the County has the following entry regarding his tutory:—"Att Banff on the twantie sixt day of November, Iajvi& and foure scoir sixtein In ane Shirreff Court of the shyre of Banff by Nicolas Dunbar of Castelfeild, Shirreff Depute of the s<sup>d</sup> shyre, . . . . Compeired William Grant of Creichie, Tutor of Rothemey, nominat by the deceast Jon Gordon of Rothemey to Patrick Barkley of Towie, his sone, conforme to the Testament Testamentar made by the s<sup>d</sup> umq<sup>ll</sup> Jon Gordon, dateit the fourteenth day of May last by past and judicialle produced in court thrie duplicates of the Inventar of the s<sup>d</sup> umq<sup>ll</sup> Jon Gordon, his meanes and evidents and estaite, made up by the said William Grant, Tutor fors<sup>d</sup>, with advyce

and consent of the said Shirreff deput, . . . . . and craved that conforme to the Act of Parliat the Shirreff would ordein his clerk to subscriye the saids thrie duplicats and each page yrof, as he and the s<sup>d</sup> Shreff deput had done, and one yrof delyvered to him, and the uyr two seilled might be kept by the said Shreff deput to be delyvered to the neirest freinds when they called for the samyn, which desyre the s<sup>d</sup> Shreff thought reasonable and ordeined every page of each of the sds thrie duplicats to be subscriyed by the Shreff Clerk or his deputes, and hes delyvered the one yrof sub<sup>d</sup> as s<sup>d</sup> is and wr<sup>in</sup> be the s<sup>d</sup> . . . . . Nicolas Dunbar, Deput.

The Barclays of Towie, a Banffshire and Aberdeenshire family, happy in the female line, and seldom in the male, attained their greatest fame in Barclay de Tolly, soldier of fortune, who opposed Napoleon in his winter advance of 1812 on Moscow.

SIR JAMES OGILVIE, JOINT SECRETARY OF STATE FOR  
SCOTLAND.

In January 1695 Sir James Ogilvie, still His Majesty's Solicitor in Scotland, proceeded to London at the King's command. There he remained until April in close contact with the Court, the Sovereign allowing him "much ease and free accesse."<sup>1</sup> Returning to Edinburgh late that month, as Commissioner of the Royal Burgh of Cullen, and as King's Solicitor, he attended the Session of Parliament which met on 9th May and adjourned on 17th July 1695. About this time commenced his voluminous correspondence with William's Presbyterian Chaplain, Mr. Carstares,<sup>2</sup> chief adviser at Court on Scots affairs. In the Parliamentary session of 1695 opposition to William's Scots ministers showed itself in the raising of the Glencoe affair against the Master of Stair, Joint Secretary of State. Further, the "Act for a company trading to Affrica and the Indies," passed on 26th June that same session, soon caused trouble with England, and hastened the fall of the Scots ministry which promoted its passage. Viscount Stair demitted office in January 1696; and next month saw the removal of the Joint Secretary, Mr. Johnston, and Lord High Chancellor Tweeddale. In the eager pursuit for place and power Sir James Ogilvie, who had impressed William and Carstares as a good manager of men and affairs, was in February 1696 appointed Joint Secretary of State for Scotland with Lord Murray,<sup>3</sup> who had been appointed the month before.

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 163.

<sup>2</sup> Carstares' State Papers and Letters, *passim*.

<sup>3</sup> Created Earl of Tullibardine 27th July 1696, and later Duke of Atholl.

Never too firmly seated on his throne, William, after the revolutionary wars ended, continued to experience recrudescences of Jacobitism, which found vent in plots, attempted invasions, and parliamentary and popular opposition to his rule. The Glencoe question raised in 1695 was such a symptom. More important and deadly in Scotland was the English opposition to the Darien colonizing scheme, the great trading venture arising out of the Act of 26th June 1695. In December 1695 the Parliament of England jealously intervened with William against allowing English subscriptions to the capital of the Scots company, which might be a powerful rival in trade, and later in 1697 used diplomatic pressure to prevent the citizens of Hamburg giving financial assistance. The bad harvests of 1695 and 1696 added to the popular discontent and opposition in Scotland. Meantime the war against France was wearing the country down.

When the Scots Parliament met on 8th September 1696, the Earl of Tullibardine was Commissioner, Lord Polwarth Chancellor, the Earl of Melville Lord President, and the Duke of Queensberry Lord Privy Seal. Sir James Ogilvie, by the King's authority, sat and voted as Lord Secretary,<sup>1</sup> and the Burgh of Cullen was authorised to elect another Commissioner,<sup>2</sup> which it did, on the Secretary's suggestion, in the person of Sir John Hamilton, Lord Halcraig, one of the Senators of the College of Justice. Sir James Ogilvie's secretary, writing the day after the down sitting of Parliament, says:—"Ther hes bein straing clubs about the choiseing of the committies, and the nobility are in a great offence upon that head, the mobility, as they tearme them here, endeavoring to carie all. I mean the borrowes, and a great many of the barrons. My Lord Secretary is verie weell with all sydes, but it is verie fashous to him to gett all keeped, bot I hope he shall reconceall all."<sup>3</sup> The common talk was a general peace. Parliament rose on 12th October, and shortly after Sir James Ogilvie proceeded south to London to Court, where he was complimented on his management of affairs, and remained all winter until William, in April 1697, crossed over to Flanders. The campaign there was only languidly pressed, and negotiations for peace were early opened by Louis. On 10th and 11th September 1697, the treaty of Ryswick which recognized William's title as King was signed. The disbandment of a considerable part of the Scots army in the winter of 1697 added to the number of loose and masterless men and to the growing discontent.

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. X., p. 8.

<sup>2</sup> Ibidem, p. 11.

<sup>3</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 204.

Meantime Scotland, impressed with the success of the older English and Dutch chartered trading companies, had more and more placed her faith in the trading venture which was to end in the failure of Darien. The King was in a dilemma between the opposing policies of his two parliaments of England and Scotland. Mr. Robert Pringle, Under Secretary of State for Scotland, writing on 15th February 1698, to Sir James Ogilvie, summed up the situation:—"What hes hapned to the companie may be much made use of in the ensuing session of Parliament, the generalitie of all ranks resenting highlie what hes passed in Hamburgh, and the little care taken to redress them."<sup>1</sup>

Early in 1698, Tullibardine, Joint Secretary of State, in many ways an uncertain quantity, was removed from office, and went into opposition. Thereafter until January 1699 Sir James Ogilvie, who was raised to the peerage on 24th June as Viscount Seafield,<sup>2</sup> continued sole Secretary of State. In the session of Parliament which sat from 19th July to 1st September 1698, Viscount Seafield as Lord President and sole Secretary managed so well as to obtain the requisite supplies and to smooth over the difficult question of the African Company.<sup>3</sup> The expedition to Darien had sailed from Leith on 26th July 1698 amidst great popular enthusiasm.

At the Michaelmas Head Court of 1698, after the entry of Earl Marischal appeared the name of Viscount Seafield.

#### PATRICK BROUNE, HIGHLAND REIVER.

The succession of bad harvests in the later nineties known as the "ill years of King William," and the peace of Ryswick in September, 1697, which was followed by the disbandment of several of the King's Scottish regiments, increased the number of loose Highlanders who sorned on the Lowlands. One of these freebooters was Patrick Broune, accomplice of James Macpherson,<sup>4</sup> who was hanged in Banff on 17th November, 1700. Peter, or Patrick, and Donald Broune were probably hanged in Banff in June, 1701, though an unknown authority referred

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 224. See also Carstares' State Papers and Letters, pp. 368-370.

<sup>2</sup> State Papers (Scotland) Warrant Books, Vol. XVII., p. 14; and the Acts of Parliaments of Scotland, Vol. X., pp. 119 and 120.

<sup>3</sup> See Letters of Seafield and others in Carstares' State Papers and Letters, pp. 384-430; Commissioner's Letters to King in Marchmont Papers, pp. 157-171; and Seafield Correspondence (Scot. Hist. Socy.), pp. 241-242.

<sup>4</sup> "Miscellany of the Spalding Club," Vol. III., pp. 175-191; and Dr. Cramond's "Annals of Banff," New Spalding Club, Vol. I., pp. 99-113.

to by Sir William Fraser states that they escaped.<sup>1</sup> At the Michaelmas Head Court of 1698, a warrant was issued against Patrick:—

And anent the representatione made by Sr Jon Gordone of Park in name of himself and the countrey against Patrick Broune alledgit gipsie and his accomplices ffor soroneing throw the countrey, the Shirreff grantes warrand to any persone who may have occasion to meitt with him to apprehend and present him to justice.

#### RENUNCIATION OF MAYNES OF LICHNETT IN GAMRIE.

The Michaelmas Head Court Minute of 1698 continues:—

Lykeas compeired Patrick Smith in Lichnet and presented ane renunciatione granted by him off his possessione of the Maynes of Lichnett and pertinents yrof perteineing to James Innes of Lichnett after the tearme of Whitsunday nixt to come, reserveing his crops of cornes and plenishing that shall be then thereupon, and that to and in favores of the sd James Innes dateit the            day of           , and protested to be free of the sds landes after the sd terme of Whitsunday nixt to come. The Shreff admitted the sd protestatione and ordeined the samyn to be insert in the Court bookes and extractes yrof to be given to the sd Patrick Smith: Whereupon act of Court.

NICOLAS DUNBAR, Dept.

#### VISCOUNT SEAFIELD AND DARIEN.

The burden of State affairs resting on one Secretary of State, when Scots affairs had to be attended to in Edinburgh and at the Court in London, was too much. Writing on 31st January 1699, Seafield's private secretary says:—"The King has given a demonstration<sup>2</sup> of gratitude this night to those who served him faithfully the last session of Parliat, and bestowed places, pensions and honours on them, and that by my Lord's moyen and recommenda<sup>o</sup>ne. He [Seafield] saw there behoved to be a conjunct secretary, so he made choice off Lord Carmichael. He is ane easy man, and I hope they will agree well together." Lord Carmichael, who afterwards became Earl Hyndford, has left a short and jaundiced account<sup>3</sup> of Seafield. It is characteristic

<sup>1</sup> "The Chiefs of Grant," Vol. I., pp. 325-6.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 255-257; and Carstares' State Papers and Letters, pp. 457-464.

<sup>3</sup> Carstares' State Papers and Letters, p. 94.

of the Scots political methods of the time, and having got into print, has consequently marred the just reputation of his patron Seafield. But political times were soon to be trying and more difficult.

When Seafield's secretary wrote from Whitehall on 31st January, he further announced the "very bad news this day off the Prince of Bavaria's death. It will putt a great altera<sup>o</sup>ne in fforreign affairs, . . . and there will be great debates for the succession of Spain." The Commissioners of Justiciary of the Northern, Middle and Southern districts of Scotland were harshly dealing at law with the many loose and masterless men in Scotland consequent on the extensive disbandment of the Scots army and the great scarcity in the county. Rumours were at last coming through that the Darien venture was not so hopeful as had been thought, and that the Spanish Don was coming against the colony. Complications in foreign affairs annulling conditions in the peace of Ryswick, unrest and famine in Scotland, and the omens of failure in the Darien adventure, into which all Scotland, with one or two exceptions, had put money, together with diplomatic tension with Spain and England, clouded the political sky. On 2nd May 1699, Seafield's secretary in London tells that "the common talk is only off our Affrican company. My Lord President [Hugh Dalrymple] and Advocate are here, who will give advice concerning it. There choise of that place is mightily commended, and if they can enjoy it peaceably it will make Scotland flourish."<sup>1</sup> The true state of affairs was then far different. The expedition arrived on 3rd November 1698, and set about opening up trade with the neighbouring settlements and colonies, and particularly with the English colonies in the West Indies and New England. Ignorance of the proper methods of settlement in a tropical region, unpreparedness, the hostility of the English colonies inspired from the Parliament at London, and the political complications arising in connexion with the colonists' settlement in territory claimed to be Spanish, though not effectively occupied by Spain, which involved the active hostility of that country and the antagonism of the English Government then at peace with Spain, but anxious to catch hold of any plea against Scotland's colonizing ventures—all combined to ruin the enterprise. The colony was abandoned on 20th June 1699, six weeks after the sanguine expectations of Seafield's private secretary were written. Two auxiliary ships from Scotland arrived in August to find the settlement abandoned. A second expedition, which sailed from the Clyde on 24th September 1699, arrived at Darien on 30th November 1699. But the venture flickered out. On 11th April 1700, the settlement was abandoned, and a legacy of political troubles was left, which

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 264.



in the end, greatly by Seafield's endeavours, was settled in the corporate union of England and Scotland of 1707.

Meantime, with bad news coming through to Scotland, the fat was in the fire. The excited state of feeling in Scotland over the failure of the Darien adventure, in which nearly every Scotsman had invested his money, resulted in addresses to the King from the directors of the African company, from the nation, and from most of the counties and royal burghs of Scotland. In Banffshire there was "hott service" in the end of December 1699; and a report had reached Edinburgh that the Earl of Findlater had even "subscribed" the address.<sup>1</sup> That was not the case; and with rare caution neither Seafield nor his father had subscribed money to the company. An address was, however, notwithstanding Seafield's opposition, voted,<sup>2</sup> asking the King to recognise the right to colonise Darien. In this movement James Ogilvie yr. of Boyne, who was, if not now, soon to become one of Tullibardine's "doers" in opposition, took an active part. One compensation alone resulted. The international trouble arising out of the Darien affair was early in 1700 forcing on the English Parliament the question of a corporate union between England and Scotland.<sup>3</sup>

In February 1700, Viscount Seafield was in Edinburgh as Lord High Commissioner to the General Assembly of the Church of Scotland, which met that month.

#### JAMES, EARL OF AIRLIE.

At the Pasch Head Court of 1700 James, Earl of Airlie, dropped from the Banffshire suite roll, his lands of Alvah, Bachlaw and Tippetie then appearing after the name of Alexander Duff of Bracco. Writing to the Earl of Findlater on 19th May 1699, Alexander Ogilvie of Forglen tells him how "the reversione of the Earle of Airelay's estate in the shire [Banff] with the burden of the wodesetts and liferents was proffered for ane hundreth thousand merks . . . . Bracco hath accepted of the proferr, having the advantage of the present possession."<sup>4</sup> So passed from the Ogilvies of Airlie their possessions in Banff, leaving not a wrack behind save the name of the Lodging of Airlie, still clinging to the old tower in the gardens of Duff House. Thus was another important estate added to the extensive

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 277.

<sup>2</sup> The Acts of the Parliaments of Scotland, Vol. X., App., pp. 79, 80.

<sup>3</sup> The Marchmont Papers, Vol. III., p. 178; and Seafield Correspondence (Scot. Hist. Socy.), p. 283.

<sup>4</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 267.

landed possessions which the House of Fife was to amass, and in the twentieth century to scatter.

The Scots Parliament, which met on 21st May 1700, proved unmanageable, declining to vote supplies. It was adjourned on 30th May to 20th June to prevent the passing of a "resolve" declaring Caledonia a rightful settlement, and pledging Parliament to maintain the same. The King could not and would not yield on this. Seafield's private secretary, writing to the Earl of Findlater from London on 13th June 1700, says regarding the overture concerning Darien:—"The Earles of Argyle and Annandale and my Ld. Seafield have importuned the King to consent; but have not yet prevailed. It is the greatest trouble can attend my Lord that he cannot bring the King to yeild speedily, though perhaps a great many will not beleieve so much."<sup>1</sup> In the adjourned session of Parliament, which sat from 29th October 1700 to 1st February 1701, by skilful management in view of foreign complications, "resolves" on Darien were shelved and supplies were voted in the end.

But Seafield's influence, even in his own county, had in consequence suffered badly. Provost Stewart, Commissioner for the Royal Burgh of Banff, had died; and when, in April 1701, the Lord Secretary made a move to have his friend Alexander Ogilvie of Forglen elected, it failed,<sup>2</sup> though he was next year returned.

In June 1701 Forglen received his patent as knight baronet, and at the ensuing Michaelmas Head Court of the shire he was enrolled for the lands of Forglen.

#### THE EARL OF SEAFIELD.

On 24th June 1701, Viscount Seafield was created Earl of Seafield, Viscount Reidhaven, and Lord Ogilvie of Deskford and Cullen. His son James, in consequence of the death of his uncle Walter, Lord Deskford, in 1699, and of his father being now an earl, took the courtesy title of the heir of the Findlater peerage, Deskford. Seafield's secretary, James Baird, writing on 4th July 1701, says:—"Carmichall would needs be an Earle, and my Lord Seafield was forced to take on too to keep his rank with him, being alreadie a step befor him."<sup>3</sup>

#### THE SPANISH SUCCESSION.

The treaty of Ryswick was followed by the two partition treaties of 1698 and 1700, regulating the succession to the Spanish throne. The

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 290.

<sup>2</sup> Ibidem, p. 328.

<sup>3</sup> Ibidem, p. 332.

second treaty followed the death of Ferdinand of Bavaria, and divided the Spanish dominions between the Emperor's son Charles, who was to have the crown of Spain, and the Dauphin of France. The aged King of Spain, opposed to this last partition, bequeathed his undivided kingdom to Philip of Anjou, second son of the Dauphin. He died in October 1700; and the Emperor with the Dutch took up arms against France to defeat the King of Spain's bequest and to vindicate the claim of his son Charles. William, handicapped by a hostile Parliament in England, did not come into line at once with his old allies. Prerogative stretched further in Scotland, and in the spring of 1701 he was strengthening his position by sending out some regiments from Scotland to Holland. In September 1701 King William formally joined the Grand Alliance against France. A few days later King James died at St. Germain. His son was immediately acknowledged King of England by Louis. Faction at once ceased in England and in Scotland. Loyal addresses poured into Court; and a united people formed behind William. He returned from Holland to England on 4th November, and dissolved the English Parliament three days later. In December a Whig majority was returned ready to vote him supplies and to carry on the war against France.

In Scotland no dissolution was considered, or was necessary. Sir Alexander Ogilvie of Forglen, writing to the Earl of Findlater from Edinburgh on 22nd October 1701, tells how:—"The Earle of Marr with three and twentie more at a justice court in Stirling, have subscribed a very loyall address to his Majtie. The Earle of Tullibardne, with eight or nyn of his party, did speake and votte for delaying it, and when it was carried agt. them, they went out and wold not signe. My Lord, I know the Earle of Seafield will be mos desireouse that there be ane address in lyke maner from the court at Aberdein, and therefor I earnestly becheesh your Lo. may keep the dyet, for I cannot express how it will delight your son to see your hand there, and it will incourage many in yor countrey to waite on you, and I hope this shall make amends for the discontent he hade by the last address<sup>1</sup> was sent out of his countrey, and the chainge on this occasion will be imputed to his presence so lately there."<sup>2</sup> Addresses from the County of Banff and its two Royal Burghs did come in due course; but another event was soon to intervene. On 20th February 1702, William broke his collar bone. On 8th March he died, bequeathing

<sup>1</sup> Acts of the Parliaments of Scotland, Vol. X., App., pp. 79-80.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 336-7.

to his successor the solution of the clamant question of an incorporating union of England and Scotland, and the war of the Spanish succession.

#### QUEEN ANNE AND UNION.

On Queen Anne's succession, Seafield continued to act as Secretary of State for Scotland, with the Duke of Queensberry as his colleague. Parliament, which originally had been elected in March 1689, met on 9th and adjourned on 30th June 1702. The question of an incorporating union bequeathed by William to the Parliaments of England and Scotland had been so far advanced that in May and June Commissioners had been appointed to treat. These met in London on 10th November, but negotiations broke down, as the English Commissioners would not concede equal trading privileges to Scotland. Meantime, in accordance with constitutional usage, Parliament was dissolved, and a new one summoned on 25th August 1702. On that same date, in consequence of the new reign, a warrant<sup>1</sup> for a new gift of the Sheriffship of Banff was issued in favour of the Earl of Seafield.

#### ELECTION OF JAMES OGILVIE, YR. OF BOYNE, AND ALEX. DUFF OF BRACCO, AS COMMISSIONERS OF THE SHIRE.

The election for Banffshire is recorded in the following Minute, which shows a continuance of the impaired influence of Seafield, and a recrudescence of Jacobitism in the defeat of Sir James Abercrombie of Birkenbog, Seafield's nominee, and the election of James Ogilvie, yr. of Boyne, heir to a bankrupt estate, and "doer" to Tullibardine in opposition. The Minute otherwise speaks so plainly on the political questions of the time and the keenness of political feeling, as to need no comment. The record of the old extent of the lands of most of the electors present is probably more interesting:—

ATT Banff the sixth day of October, 1ajvy& two years.

The whilk day Nicolas Dumbar of Castlefield produced her Maties proclame<sup>on</sup> the date at Windsor Castle the twenty fifth day of August last bypast for calling of ane new Parliat to sitt at Edr the twelth of Nover nixt, requiring and comanding the Shirrèffs in the rexive shires to the end that, according to the lawes and acts of Parliat, elec<sup>ones</sup> may be made of fitt persones to be Commissrs to the sd Parliat: In obedience grunto the hailll ffreeholders of this shyre being warned by intima<sup>ones</sup> at the mercat croce of Banff and at each parish church within the sd shyre to meet this day and place to the effect forsd and to keep the head court the sd day, which accordingly being done and the head court adjourned, the ffreeholders having elec<sup>one</sup> of Comissrs. did make

<sup>1</sup> State Papers (Scotland) Warrant Books, Vol. XVIII.

up the roll following of all the ffreeholders within the same, whether lying within stewartries not having Comiss<sup>rs</sup> or bailliaries of royalty or regality or without the same, of the holding valua<sup>on</sup> and extent ment<sup>d</sup> in the act of Parliat 1681, containing the names and designa<sup>ones</sup> of the ffiars liferenters and husbandes having right to vote in maner yrin spec<sup>d</sup>, and qch roll of elec<sup>one</sup> is insert here as followes—

Sr. Patrick Ogilvie of Boynd.	James Duff of Crombie.
Sr. John Gordone of Park.	Mr. Wm. Joass of Collyneward.
Sr. Alex <sup>r</sup> . Ogilvie of fforflan.	Alex <sup>r</sup> . Lesly yor of Kininvie.
Sr. James Abercromby of Birkenbog.	Mr. James Lesly of Tullich.
Alex <sup>r</sup> . Duff of Bracco.	George Gordon of Carnousie.
John Stewart of Kilmachlin.	Peter Russell of Montcoffer.
Alex <sup>r</sup> . Gairden of Troup.	Alex <sup>r</sup> . Abercromby of Glassaugh.
James Ogilvie of Baldeavie.	Charles Gordon of Glengerrack.
John Grant of Ballandalloch.	John Innes of Edingeith.
John Ramsay of Laithers.	James Ogilvy yor of Boynd.
James Gordone of Daach.	Sr. James Innes of Kinermony.
John Abernethie of Meyan.	John Grant of Easter Elchies.
Mr. Thomas Merse of Todlaw.	Walter Grant of Arindillie.
David Cruikshank of Ballnoon.	Peter Innes of Soccoch.
Alex <sup>r</sup> . Stewart of Achorachan.	Mr. David Gordon ot Achoynonie.
John Leslie of Kinninvie.	George Gordone of Aradoule.
	John Grant of Carron.

And yrafter the ffreeholders contained in the roll for elec<sup>one</sup> @wrin and who have taken the oath of alledgeance and assurance to her Matie Queen Ann, Alex<sup>r</sup>. Duff of Bracco first Commiss<sup>r</sup>. elected to the last Parliat having asked the votes who should preside and who should be clerk to the meeting, it carried in the affirmative and by plurality of votes that Patrick Leslye Shreff clerk deput of Banffshyre should be clerk and Sr. Patrick Ogilvie of Boynd preses of the sd meeting.

Sr. Alex<sup>r</sup>. Ogilvie of fforflan protested that the above ment<sup>d</sup> proceeding wes illegall and expressly contrary to the act of Parliat, in respect yr wes nothing more done than inserting the names above ment<sup>d</sup> w<sup>t</sup>out instructing any of yr extents or valua<sup>on</sup> of yr lands or mentione made upon what considera<sup>on</sup> it wes that they were insert as barons and freeholders, and no reason further given but that they were

insert and would vote at yr owne perile: To which ansred to the forsd protesta<sup>n</sup> that this obje<sup>n</sup> is agt. the haill barons and ffreeholders without condescending on any pārlar, and the act of Parliat 1681 to wch the sederunt expressly relates is opponed, whereby it is expressly appoynted that none shall have vote but these who are in the termes of the act of Parliat; and, if any persone take upon them to vote contrary to the tenor yrof, the law bears the penalty, and these objectiones are properly to be discussed before the Parliat and not here, seeing the Shirreff hes omitted his duty in makeing rolls and calling the heretors to that effect; and as every barone and ffreeholder acts here on yr perile, so the rolls of the retoured duties and valua<sup>nes</sup> of the shyre does clearly instruct who hes liberty to vote or not, and this is done of designe to confound the elec<sup>nes</sup>: To the former ansr made by the Laird of Bracco in name of the barons it is replied by fforflan that he carries all due respect and honor to the barons both in generall and in pārlar, and that the objec<sup>ne</sup> and protesta<sup>ne</sup> is agt. the forme of makeing the roll; and whereas it is urged that the stent roll and books of valua<sup>ne</sup> doe clear what is possessed by every man it is doubted, only what is urged here is that in the termes of the act of Parliat 1681 yr should be a produc<sup>ne</sup> of the extent valua<sup>ne</sup> and holding for qch they are listed as barons and yr lands pārlly designed, since for want of this it is impossible to any man to propose relevant objec<sup>nes</sup>. The barons repeat the former ansr. and craives fforflan may condescend on those agt. whom he objects: Pārlly as to that ansred by fforflan that when they goe thorow the forement<sup>d</sup> list every man that inclines to object or is in knowledge of what is contrary to the act of Parliat they will mentione it by way of objec<sup>ne</sup>, but its very hard to desire a man to make ane objec<sup>ne</sup> when yr is nothing produced agt. qch he shall object, yr being nothing ment<sup>d</sup> but a gentlemans name singly w<sup>itten</sup> doune: It is replied by the barons that its earnestly intreated from fforflan what he would have produced and by whom; and if need were every man can here condescend on the lands for qch he contends to vote: To qch ansred by fforflan that the Laird of Bracco avers in name of the barons, whereas yr are a good many that doe not adhere to him; and that all fforflan desires is in makeing up yr rolls of their freeholders they may be legall and formall in the termes of the act of Parliat 1681, as is above ment<sup>d</sup>: The barons adhere to yr former ansrs.

Sr James Abercromby of Birkenbog, having asked at Kilmachlin if he be infest or in poss<sup>ne</sup> or hath a vote conforme to the act of Parliat, is ansred by Kilmachlin that he votes on his perile: To qch Sr James Abercromby replied that in respect he had produced nothing to give him right to a vote therfor he protested agt. his voteing, and yrupon he takes instruments: Replyed by Kilmachlie that his retour being a thrie pound land is here produced, and that he is appearand air to Kilmachlin his father who stood last vest and infest is unquestionable, and that allwayes wes in use to vote w<sup>t</sup>out debat, and yrfor protestes that Birkenbog may be lyable to him for his expensses and for the five hundreth merks for his malicious objec<sup>one</sup> conforme to the act of Parliat: To which ansred by Birkenbog that he saw nothing produced but the generall retour of the shyre and no pārlar paper belonging to Kilmachlin qrby he might make it appear that he is in poss<sup>ne</sup> of the lands of Kilmachlin, since it is offered to be proven that he is not in poss<sup>ne</sup> of the lands, but a good pairt of that interest sold by him to oysr s<sup>v</sup>rall years agoe.

Birkenbog protests agt. Ballnoon that he is not ffour hundreth pounds of valued rent, he having disponed a pt. of his interest to his nephew, and yrfor protested agt. him voteing: Tandem Birkenbog passes frae his objec<sup>on</sup> agt. Ballnoon. James Ogilvy yor of Boynd protested that no objec<sup>one</sup> or protesta<sup>one</sup> should be insert in this book except, conforme to the act of Parliat, yr be instruments taken yron, and took instruments: Ansred by Birkenbog that he may object and not protest when he is not resolved in scruples that he propone, and yrupon takes instruments.

fforglan objects agt. Carnousie that he either hath gott or hes the promise of good deed for his vote from Bracco, in regaird the sd Laird of Carnousie told him that, if Bracco did not give him a discharge of all claggs and claims betwixt them, he would not give him his vote; and since that was a matter so considerable to him as his standing and falling he believed no man would take excep<sup>one</sup> agt. him soe to dispose of his vote, and yrupon takes instrument: Its ansred by Carnousie and Bracco that the assertione is most false and calumnious, and qtever Carnousie might have said to have liberat himself from fforglan's insinua<sup>ones</sup> and extraordinary applica<sup>ones</sup> and solista<sup>ones</sup>, yet Bracco and Carnousie are content before this honob<sup>l</sup> meeting to free them-

selves of that malicious aspersione upon oath, and protested that fforflan be lyable conforme to the act of Parliat for expenses and five hundreth merks, grupon they take instruments: To qch ansred by fforflan that the specious pretences named by Bracco are as false and calumnious as may be, and that he desires either Bracco or Carnousie may condescend upon the act he ever desired Carnousie to doe to the prejudice of his country; and instanter refers the forsd matter to Carnousie's oath, and for further clearing the said matter shall lead famous witnesses that shall clear the whole comuning of that matter, and protests for coast skaith and damage agt. Bracco for his calumnious aspersione: Replyed by Bracco that the objec<sup>ne</sup> is nowayes in the termes of the act of Parliat, and yrfor cannot be allowed, and for his services done his country it will appear in its ounne tyme.

James Ogilvie yor of Boynd protests agt. Todlaw's voteing, in respect he hes acknowledged befor this meeting that he is not a four hundreth pounds of valued rent, nor hes a ffourty shilling land; and yrupon takes instrument.

Sr Allexr. Ogilvie of fforflan adheres to his former protestations of the informality and illegality of the forsd roll of ffreeholders, in respect that some of them being pãrlyly interrogat whether they could make a produc<sup>on</sup> to qualifie themselves to vote in the termes of the act of Parliat, they ansred they would vote upon yr perile: To qch ansred that this objec<sup>ne</sup> is altogether generall, and its here protested that fforflan the objector may be lyable for ffive hundreth merks and expenses to any man who shall vote here and be oblidge to produce yr papers before the Parliat: 2<sup>do</sup> The objec<sup>ne</sup> is nowayes in the termes of the act of Parliat, because it is expressly provided that no objec<sup>ne</sup> shall be admitted but qt shall be proponed except as above they can be no further allowed and no objec<sup>ne</sup> is alloweable, but qt is cont<sup>d</sup> in the instruments taken: Yrupon fforflan adheres to his former protesta<sup>on</sup> in respect yr is no evident or right produced here save only the generall retour of the shyre: Qrunto ansred that the valua<sup>on</sup> books and the generall retour of the shyre are patent which shoves every man his interest, and qr yr are pãrlar objec<sup>nes</sup> proponed they are ansred.



And it being farther considered by the freeholders and barons of the shyre in respect of fforglans objec<sup>one</sup> agt. the roll, for satisfieing all concerned in the meeting before they would enter to vote, they have sett doune the roll of these who have taken the oath of alledgeance and assurance conform to law wt their severall retours lands and valued rent in the termes of the act of Parliat as followes:—

Sr Patrick Ogilvy of Boynd for a pt. of the barony of Boynd possessed by him, the whole of qch is retoured at fourty pounds of old extent holding of the King.

Sr John Gordone of Park for the lands yrof, being ten pound of retour and seavinteen hundreth pounds of valua<sup>one</sup> holden of the King.

Sr Alexr. Ogilvy of fforglan for the lands yrof, being retoured at five pound holding of the King.

Sr James Abercromby of Birkenbog for the lands of Gallcorse, retoured at six pound holding of the King.

Alex<sup>r</sup> Duff of Bracco for the Lordship of Balvenie, being twenty pound of retour and above ane thousand pound of valua<sup>on</sup> holding of the King.

John Stewart of Kilmachlin for the lands yrof, retoured at three pound holding of the King.

Alex<sup>r</sup> Gairden of Troup for the lands yrof, retoured above ffourty shilling and above ffour hundreth pounds of valued rent holding of the King.

James Ogilvy of Balldavie for the lands yrof, retoured at four pound holding of the King.

John Grant of Ballandalloch for Tullocharron, retoured at three pounds holding of the King.

John Ramsay of Laithers for Mellrose Drachlaw and Drachlawmilne, above ffour hundreth pounds of valued rent holding of the King.

John Abernethie of Meyan for the lands yrof Tarnemny and Quoir, above four hundreth pounds of valued rent holding of the King.

David Cruikshank of Ballnoon for the lands yrof, above four hundreth pounds of valued rent holding of the King.

Alex<sup>r</sup> Stewart of Achorachan for Lesmurdie, retoured at three pound of old extent holding of the King.

James Duff of Cromby for the lands yrof, above four hundred pounds of valued rent holding of the King.

Mr. Wm. Joass of Collyneward for Denhead Poddocklaw and Whitoutie, valued above ffour hundred pounds holding of the King.

George Gordone of Carnousie for the lands yrof, retoured at ten pound and above four hundreth pounds of valued rent holding of the King.

Alex<sup>r</sup> Abercromby of Glassaugh for the lands yrof, above four hundred pounds of valued rent holding now of the King.

Charles Gordone of Glengerrack for the lands yrof and Newmilne, valued above four hundred pounds holden of the King.

John Innes of Edingeith for the lands yrof above four hundred pounds of valued rent holden of the King.

James Ogilvie yōr of Boynd for a pairt of the barony of Boynd, his propor<sup>one</sup> being retoured above ffourty shilling and valued above four hundreth pounds holding of the King.

Sr James Innes of Kinermony for the lands yrof, valued above four hundred pounds holden of the King.

John Grant of Easter Elchies for the lands of Edinville, above a ffourty shilling land holden of the King.

Walter Grant of Arindillie for the Milne of Papin and oysr, above a ffourty shilling land holden of the King.

Peter Innes of Succoch for the lands yrof, at ffourty shilling land holden of the King.

Mr. David Gordone of Achynonie for the lands yrof, valued at four hundred pounds of valua<sup>on</sup> holding of the King.

John Grant of Carron for the lands yrof, valued at ffour hundred pounds of valua<sup>on</sup> holding of the King.

The whole freeholders @w̄rin doe unanimously consent that who shall be chosen Comiss<sup>rs</sup> to represent this shyre to the sd Parliat. shall serve freely and gratis, and shall consēt to no abjura<sup>on</sup> nor succession untill ane unione of both kingdomes, qch is now on foot, be concluded and ratified by both Parliaments; and whoever shall happen to be elected shall subv̄e their instruc<sup>ones</sup>, and upon faith and honor performe them, and shall receave and obey what further instruc<sup>nes</sup> the sds electors shall give them. The barons and freeholders above w̄rin, having voted who should be Comiss<sup>rs</sup> to the forsd Párliat., they by plurality of votes have elected nominat and chosen James Ogilvie yor of Boynd and Alex<sup>r</sup> Duff of Bracco Comissioners to represent

this shire to the forsd Parliat. above inditted and haill subsequent sessiones yrof in cace it be continued, untill the finall dissolutione yrof: With power to ym̄ to meet and conveen at the forsd day appointed for the sitting of the Parliat., or any oyr day qрто it shall be adjourned, with our Dread Sovereigne Lady the Queen's Majestie, or Hir Highness Commis<sup>r</sup> and the Estates of Parliat., and yr̄ to sitt voice treat conclude and determine for them all things to be treated and handled in Parliat, sicklike as freely in all respects as any Comis<sup>rs</sup> from any shire within this kingdome, promising to hold firme and stable all and whatsomever things our sds Comis<sup>rs</sup> shall doe yranent: In witnes whereof the forsd Sr Patrick Ogilvy of Boynd hes subt thir pñts as preses, and the forsd barons hes delivered and subt commissiones to their forsaid Comis<sup>rs</sup>, and hes caused yr clerk subve the same of the date of thir pñts, and hes caused him append the seall of office of the sd shyre yrto.

PAT LESLYE, Clk.

PATRICK OGILVIE.

JAMES OGILVIE.

A. DUFF.

In a re-shuffling of offices, on 21st November 1702 a warrant<sup>1</sup> was issued for a commission to the Earl of Seafield to be Lord High Chancellor of Scotland; and on the same day Tarbat, created Earl of Cromartie on 1st January 1703, succeeded him as Joint Secretary of State.

#### ADDITIONS TO THE COUNTY SUITE ROLL, 1703.

At the Pasch Head Court of 1703 the following heritors, who had appeared and voted in the Banffshire election of 6th October 1702, were added to the county suite roll:—

Jas. Ogilvie, yor. of Boynd, for his part of the thayndom of Boynd.

John Grant of Easter Elcheis, for the lands of Edenwillie.

Walter Grant of Airndille, for the lands therof and Miln of Papine.

Patt. Innes of Soccach, for the lands therof.

John Grant of Carron, for the lands theroff.

Sr. Ja. Innes off Kinermony, for the lands theroff.

All the above dropped from the county Pasch roll of 1710.

#### BANFFSHIRE AND THE TREATY OF UNION.

The new Parliament, which met on 6th May 1703, was very troublesome. No progress was made with the question pressed on them of an

<sup>1</sup> State Papers (Scotland) Warrant Books, Vol. XVIII., pp. 239-245.

incorporating union, and the session was adjourned on 16th September. The new session of 1704 was equally troublesome; and no progress was made with the government bill authorising the Queen to nominate commissioners to negotiate a union. The minute appointing James Ogilvie, yor. of Boyne, Commissioner of Banffshire on 6th October 1702, instructed him and his colleague, Alex<sup>r</sup>. Duff, to consent "to no abjuration nor succession untill ane unione of both Kingdomes qch is now on foot be concluded and ratified by both parliaments." If the parliament of England refused compensation for the Scots loss at Darien and would not agree to free trade, they were keen that Scotland should adopt the Hanoverian succession, legalized for England in 1701, and exclude the Stuarts from the throne. Scotland could, however, and did in the end force her conditions by refusing to adopt the Guelph succession to the crown until she had obtained her conditions. On 5th August 1704, the Act of Security was touched by the sceptre and became law, another lever to enforce the Scots conditions of union, answered by an enactment of the English Parliament declaring all Scotsmen in England aliens. These were, however, mere diplomatic moves by the contending Parliaments.

In her endeavours to solve this difficult situation the Queen on 17th October 1704, again appointed Seafield Secretary of State for Scotland, with the Earl of Roxburgh<sup>1</sup> as colleague. On 10th March 1705, in the ever-shifting combinations of Scots ministers, Seafield was again appointed Lord High Chancellor. But an event was transpiring which was all compelling for union, if civil war was to be averted. The tragic episode of the condemnation to death on 5th March 1705 by the Scots Court of Admiralty of Capt. Green of the English ship, "Worcester," and some of his crew, for alleged piracy and murder of Capt. Drummond of the African company's ship, "Speedy Return," and the execution of Green and two of his crew on the sands of Leith on 11th April were followed by such serious recriminations between the two nations as almost to lead to civil war. The Queen's advisers in England saw that they must make the concessions demanded by Scotland if war was to be avoided, and if a union entailing the same succession was to be achieved. Writing from Edinburgh on 3rd July 1705, to his cousin in Cullen, Seafield's private secretary says:—"Wee have a great report of ane skirmish that was among the gentlemen in Banffshyre and that very bloody, which made us beleieve that Boynd should not have been able to have come to the Parliament, but wee see it to be otherwise. He is come up and sayes there was no such thing. If it had been, I beleieve you would have sent us ane acco<sup>tt</sup>. I have little time to write any

<sup>1</sup> State Papers (Scotland) Warrant Books, Vol. XX., pp. 40-48.

more, for the Parlia<sup>tt</sup>. is now sitting, and every minute diverted. Our Parlia<sup>tt</sup>. will be very fashious. The Queen in her letter recommends the setling of the succession, a treaty of union with England, and six moneths cess, the last of qch will please you worst, because you<sup>ll</sup> bear a part of the burden.”<sup>1</sup> Parliament adjourned on 21st September 1705, after passing the act for a treaty of union with England, to which young Boyne and Bracco were opposed. On the other hand the Commissioners for the Royal Burghs of Banff and Cullen voted in support.

#### DUNBAR OF DURN.

In the Michaelmas suite roll of the county, 1705, James Dunbar, younger of Durn, was entered for Durn, and next year at Michaelmas the Earl Marischal ceased to be enrolled for that estate. James Dunbar was eldest son of Sir William Dunbar of Durn, who was created on 29th January 1698 a baronet through the influence of his son-in-law, Seafield. The minute bears:—

“The sd day compeared James Dunbar of Durne and produced a charter under the great seal granted to him of the superiority of the lands of Durne, wt the reservatione of ane part yrof in favours of the Earle Marshall in manner spect. in the sd charter, wt. ane instrument of sasine yron, and craved to be enrolled in the head court roll as a barone: Which being considered be the Shreff he ordained him to be inrolled as above.—Qron. act.”

#### BIRKENBOG AND PARK CONTEND FOR PRECEDENCE, 1705-6.

At the same Michaelmas court of 1705, Birkenbog and Park continued their old contention for precedence:—

The sd day compeared pērlle Sr James Abercrombie of Birkenbog, and protested that the rolls may be altered in so farr as Sr John Gordone of Park is called before him, notwithstanding that his patent as Knight Baronett is of ane older date, and for instructing yrof produced ane patent granted by King Charles the First to his father constituting him and his airs maill Knights Baronets w̄ all the honors and dignities yrto belonging, dated the twentieth of ffebruary Iajvy& thirtie six years,<sup>2</sup> against which Sr John Gordone protested and craved that the rolls may be continued as they are. The Shirreff referrs the decisione of this precedencie till he advyse wt. the Prin<sup>ll</sup> Shreff. Thereafter Sr John Gordon of Park protested that Sr James Aber-

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 421.

<sup>2</sup> See also p. 10.

cromby wes nether a barone nor had a barony and offered to prove the samen, agt. qch Birkenbog protested and oppones his patent and charters and infeftments: Ansred be Sr Jon Gordone that Birkenbog's patent produced is nether in his name nor in his favours, and is now in desuetude never having been made use of be his father nor himself, and that the sd Sir Jon Gordone has been in peaceable poss<sup>ne</sup> of his right w<sup>t</sup>out interruption till this day.

At the Pasch Head Court of 1706 Birkenbog renewed his protest; and, at the ensuing Michaelmas Head Court that year, on the following interlocutor of the Sheriff depute, Birkenbog was enrolled before Park.

Birkenbog protested as formerly for his precedency before Sr Jon Gordone, and yt he may [be] ranked accordingly, and Sr Jon Gordone protested in the contrary. The Shreff deput, having considered the sds protestationes made now and formerly, he ffinds Birkenbog's patent preferable, and yrfor ordains Birkenbog to be ranked hereafter before Sr Jon Gordone: Agt. qch interloq<sup>r</sup> Sr Jon Gordone protests, and contends yt. Birkenbog's patent is in desuetude and prescribed, and contains no lands nor house nor yaird.

#### ELECTION OF ALEXANDER ABERCROMBIE OF GLASSAUGH AS A COMMISSIONER OF BANFFSHIRE.

Alexander Abercrombie of Glassaugh, Fordyce, was the son of Mr. John Abercrombie of Farskane also first of Glassaugh, second son of Alexander Abercrombie of Birkenbog, who died in 1647.<sup>1</sup> This cadet of the Abercrombies of Birkenbog was a near neighbour and intimate friend of the third Earl of Findlater and of his son, the first Earl of Seafield.<sup>2</sup> On the outbreak of the war of the Spanish succession, Sir Alexander Ogilvie of Forglen, writing with Seafield's authority to Findlater on 2nd February 1702, says:—"Teviotts regement of dragoons, Rues and fergusons regements of foot goe abroad, and new regments are to be levied in there place. The Collonells are not yet determined. It is fitt time to your Lo. to move for any friend. Acquaint Glassaugh heirwith; and tell him from me he hade never a fitter opportunity of preferrment if he inclines to change the plough for the sword."<sup>3</sup> Glassaugh acted on Forglen's advice, and applied for commissioned service in the dragoons.<sup>4</sup> It was not, however, until 31st

<sup>1</sup> See pages 9 and 10.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 333-4.

<sup>3</sup> Ibidem, p. 347.

<sup>4</sup> Ibidem, p. 348.

January 1706, that he received a commission as lieutenant in the Earl of Mar's regiment of infantry, so called from the name of its colonel, thereafter called Lord Strathnaver's.

Alexander Duff of Bracco, Commissioner for Banffshire, a keen opponent of union, who threatened to behead any supporter of the same "like a sybow," died on 19th December 1705; and the vacancy in the representation of the county was filled, mainly through the influence of Seafield, who had recovered his ascendancy in the county, by the election of Glassaugh.

ATT Banff the twenty-fifth day of June Iajvy& and six years.

The which day compeared Nicolas Dumbar of Castlefield Shreff deput of Banff shyre, and produced ane order from James Earle of Seafield and Shreff Prin<sup>l</sup> of the sd shyre, dated at Londone the twenty-sixth day of ffebruary last past, whereby the sd Shreff Prin<sup>l</sup> required the sd Nicolas Dumbar to make due and law<sup>l</sup> intima<sup>o</sup>ne on a publict mercat day at the croce of Banff, and at the s̄vrall kirks wtin the sd shire, to the haill ffreeholders and barons having right to elect, to compier this day and place in order to make ane electione of one of yr number to represent the sd shyre in this current Parliat. in place of Allex<sup>r</sup> Duff of Bracco now deceast, as the sd order bears: In obedience whereunto yr wes due and law<sup>l</sup> intima<sup>o</sup>nes made at the sd mercat croce of Banff and at the s̄vrall parish kirks of the sd shyre to the sds ffreeholders and barons to meett and convene this day and place to the effect forsd, as the intima<sup>o</sup>nes issued out yrupon also bears: And the haill barons and ffreeholders of the sd shyre con<sup>d</sup> in former rolls being called compeared Sr Patrick Ogilvie of Boynd, Sr John Gordone of Park, James Ogilvie younger of Boynd, Allex<sup>r</sup> Abercromby of Glassaugh, Sr James Abercrombie of Birkenbog, Allex<sup>r</sup> Gairden of Troup, Charles Gordone of Glengerrack, Allex<sup>r</sup> Sutherland of Kinminnitie, Allex<sup>r</sup> Crookshank of Ballnoon, Mr. William Joass of Collynewart, John Innes of Edingeith, John Abernethy of Meyan, James Duff of Crombie, Thomas Donaldsone of Kinnairdie, and James Dumbar yor of Durne. Thereafter James Ogilvie yor of Boynd the only Commiss<sup>r</sup> from this shyre to the current Parliat. having asked the vote of the sd barons who should be preces and clerk to the meeting, it carried by plurality of votes that Sr John Gordone should be preces and Patrick Leslye shreff

clerk of Banff should be clerk to the meeting: The freeholders considering yt yr are no altera<sup>ne</sup> can be made in the last roll made at the last electiones, they hold the same as herein repeated and refers yrto, with this new additi<sup>one</sup> that Thomas Donaldsone of Kinairdie now added hes lands above ffour hundred pounds of valued rent, as so hes James Dunbar younger of Durne and Alex<sup>r</sup> Crookshank of Ballnoon in the termes of the act of Parliat. in anno 1681 anent the electione of Commiss<sup>rs</sup> for shyres: And the saids haill ffreeholders p<sup>nt</sup> having taken the oath of alledgeance and sub<sup>d</sup> the same wt the assurance to Hir Mtie Queen Ann before proceeding to the electione, and having ffully considered who its fitt to represent this shyre in Parliat. in place of Bracco deceased doe unanimously elect nominat and choyse Alex<sup>r</sup> Abercrombie of Glasshaugh to be Commissioner for this shyre in place of Alex<sup>r</sup> Duff of Bracco in this current Parliat. and haill sessiones yrof untill the finall end and dissolutione yrof, with full power to him to meett wt our Dread Sovereigne Mtie or Hir Commissr and the Estates of Parliat. in the next sessions and the subsequent sessiones of this current Parliament, and yr to treat voice conclude and determine in all things can be handled or agitat in Parliat, sicklike and als freely in all respects as any oyr Commissr from any shyre in this kingdome laüllie does or can doe: Promising to hold firme and stable all and qt somr things our sd Commissr laüllie does in the premisses, with this provisi<sup>one</sup> allwayes that the said Alex<sup>r</sup> Abercrombie shall serve freely and gratis and shall consent to no successi<sup>one</sup> or abjura<sup>ne</sup> untill the uni<sup>one</sup> betwixt Scotland and England now in treating be fully concluded and ratified by both Parliats; and that he shall not consent to the ratifieing of the sd treaty of uni<sup>one</sup> untill first the interest and honor of this kingdome be fully secured in the first place; and that he shall receive present instructi<sup>ones</sup> from the sds electors or what further they shall give him, and upon faith and honor performe them. In witness whereof the sd Sr John Gordone as preses hes sub<sup>d</sup> thir pnts and caused the clerk subscribe the same and append the comone seall of the sd shyre to ane comission sub<sup>d</sup> and delivered by the sds electors to the sd Alex<sup>r</sup> Abercromby of the date of thir pnts; and in testimony of the sd Alex<sup>r</sup> Abercromby p<sup>nt</sup> chosen Commissr and James Ogilvie of Boynd former



Commissr yr adhering to the above instructiones they have also subd thir pñts.

PAT LESLYE, Clk.

SIR J. GORDON.  
ALEX<sup>r</sup> ABERCROMBY.  
JAMES OGILVIE.

#### THE UNION.

The Lords Commissioners of both nations appointed to negotiate the treaty of union had already met in London on 16th April 1706. Lord Seafield, as Lord High Chancellor of Scotland, presided over the Scots Commissioners. They adjourned on 22nd July 1706, having agreed on articles of an incorporating union, with safeguards in favour of the Scots Established Church and Scots law and Law Courts. These articles were thereafter referred to the Parliaments of England and Scotland. The Scots Parliament met on 3rd October 1706. The act ratifying the union was passed on 16th January 1707.

Of the Banffshire Commissioners, Alexander Abercromby voted for the union, while James Ogilvie, yor. of Boyne, opposed it. The Commissioners for the Royal Burghs of Banff and Cullen supported the treaty. The union was consummated on 1st May 1707, but in terms of the treaty the Scots members in the first Parliament of Great Britain, much reduced in numbers, were elected not by their constituents, but by the expiring Scots Parliament. Alexander Abercromby was so elected for Banffshire.

The two Royal Burghs of Banff and Cullen were, with Kintore and Inverurie, added to Elgin to make one constituency the Elgin Burghs, for which Sir Alexander Ogilvie, Lord Forglen, hitherto member for the Royal Burgh of Banff, was elected. Banffshire, therefore, in the new Parliament of Great Britain had one representative, and part of a second, as it has at the date of writing (1917).

#### YOUNG BOYNE, AS JACOBITE.

Meantime young Boyne, excluded from Parliament, was dipping deeper into the Jacobite adventure. In the memoirs of Colonel Hooke, emissary from the court of Louis XIV. to the Jacobites in Scotland, he is seen in 1707-8 flitting through a maze of Jacobite intrigue. At this time he was a broken and landless man, with his ancestral estate falling into the hands of his relative Seafield, and with no hope of preferment except through revolution. As doer for the Duke of Atholl he is seen passing between Scotland and France arranging for a French descent and a Jacobite rising in Scotland, which materialized in March 1708.

Earlier, on 29th February, he landed at Gamrie, Banffshire, as the following letters from the Countess of Seafield to the Earl in London,

and from the Laird of Troup to Castelfield, Sheriff-depute of Banff, show:—"March 9, 1708. Dearest Heart . . . We are mightily aleremed hier with the invation from France. I send you a leter to Castilfield. I shall say nothing of the matar. It is sead the leard of Boyn is a colnall."<sup>1</sup> "To Nicholas Dumbar of Castellfeild, Shirreff Dpt of Bamf. Sir—I forgot to writ concerning that matr, but this present comossion which is suddenly in all apearanc to fall in by a Frenc descent maks peopl they know not how to order ther buseness. No doubt ye hav heard of the gentleman hes set a shor heer from Franc, and who is gon to Boynd, and thenc to the Hichlands and thorrow ye kingdom. If ye hav not heard it, then I can assur you the truth of it. He wes all night the 29 Feby in William Hards at Nethermiln, and went away the first of March befor the sun tuo hours; he landed about 6 hours at even. He passed for a Ed<sup>r</sup>. merchant. The ship wes about 16 or 20 guns 70 to 90 men. Giv not me for your author . . . Alex<sup>r</sup>. Gairdne."<sup>2</sup> The French naval descent on the Firth of Forth was frustrated by Admiral Sir George Byng on 13th March, and the expedition, the strongest ever fitted out from France in the Jacobite interest, after suffering some casualties, returned to Dunkirk. Young Boyne escaped to France, and was soon after attainted.

#### A FRENCH LANDING AT GARMOUTH, SPEYMOUTH.

An incident of this naval venture was a French landing at Garmouth, near Gordon Castle. Writing to the Earl of Findlater "at his lugenes in the fut of the Caniget, Edr.," the Countess of Seafield, then residing at Cullen House, on 21st March tells him of this episode in this naval descent—"No dout you have hird of thrie French shipes being at Spaymouth and Buky of gret foras, and on litell on, which had about 24 gouns, which cam and wint to them as apired with inteligans. They wint of the 20 in the mornen, bot war seen afar of today agenest the Carnose."<sup>3</sup> Four days later Forglen, writing to Seafield in London, with the brevity of Cæsar's *veni vidi vici*, tells him how, "Friday last sum of them [French] landed at Garmoch, did no harm, dyned, payed weill and went aboard." Such a landing could only end in involving as suspects men in the county of Banff. Besides the Duke of Gordon, who was early arrested, his son, the Marquis of Huntly, Gordon of Gollachie, and Steuart of Tannachie, both in

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 453.

<sup>2</sup> Ibidem, pp. 453-4.

<sup>3</sup> Ibidem, p. 468.

Rathven, were sent prisoners to London in April. Writing on 11th May to her son, Lord Deskford, the Countess of Seafield entreats him, "if it be in your power to serve any of the prisoners that have gone from this country to do it, and to speak your father that he may use his interest that there be no more trouble given to the people of our neighbourhood, for wee hear Grant<sup>1</sup> has a commission to take a wast many gentlemen, and amongst the rest poor Findochty<sup>2</sup> and his two sons. He is your father's vassal, ane old man, I'me sure in no plot, and was never near the French ships. Our nighbour Milldavit<sup>3</sup> has heard to be among the same number."<sup>4</sup> Later, on 24th May, she writes again to her son, "If you be at Edinburgh when this comes to your hands, I must recommend the laird of Buckie<sup>5</sup> to you, that you may serve him, when you hear of his business, and speak to your ffather in his behalf, as if it were from yourself, that he may have liberty to live peaceably at home, . . . because I have written of many others. You know there may come a time after this."<sup>6</sup> The prisoners taken to London were ultimately returned to Scotland, where those who were tried were acquitted by the High Court of Justiciary. All others arrested were liberated.

The member of Parliament for Banffshire, Alexander Abercrombie, meantime, as became a placeman, was supporting Queen Anne. Captain in Lord Strathnaver's regiment of foot, he reached Edinburgh from London on 19th March. "Glassaugh came easter night," says Lord Forglen on 20th, "with Roseberry, who wes so tyred that his Lop. caused yoke ane cart, and lay ane feather bed on it, and so drives him for 2 stages!"<sup>7</sup> Next day Glassaugh writes<sup>8</sup> from Edinburgh—"Grant's regt. marched from this today, as doeth ours tomorrow for Stireling, and I go allong." Writing later on 24th March from Stirling to his patron Seafield, he says<sup>9</sup>—"Strathnavars and Grants regts. mount 70 men, and all the officers are present, so that I reckon this pass is in a pretty good posture. . . . If your Lo. inclyns I serve in Parliat. nixt year, your Lo. will writ to my Lord Forglaen, for I hear

<sup>1</sup> Colonel, afterwards Brigadier General, Alexander Grant, eldest son of the then Chief of the Grants.

<sup>2</sup> William Ord.

<sup>3</sup> John Hay.

<sup>4</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 476.

<sup>5</sup> George Gordon.

<sup>6</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 477.

<sup>7</sup> Ibidem, p. 466.

<sup>8</sup> Ibidem, p. 466.

<sup>9</sup> Ibidem, pp. 470-1.

it surmised that Grant of Carron has been makeing interest." Parliament was not dissolved until 1713.

SEAFIELD, CHIEF BARON OF EXCHEQUER IN SCOTLAND.

On 13th May 1708, Seafield received a warrant for a commission as Chief Baron of Exchequer in Scotland.<sup>1</sup> This was an anglicised judicial office imposed on Scotland for a time by the government in London. The previous year, on 20th June 1707, after the union was consummated, he received a new warrant<sup>2</sup> as Lord High Chancellor of Scotland. By this title he preferred to be designed during the rest of his life. At the union he entered the first Parliament of Great Britain as one of the sixteen Scots representative Peers.

LORD AUCHINTOUL MOVES THAT ABSENT BARONS BE FINED.

At the Michaelmas Court held by Nicolas Dunbar on 1st October 1708, Alexander Gordon of Auchintoul, with an access of loyalty noticeable after the failure of the French Jacobite descent in March 1708, sought to reform the abuse of absence on the part of freeholders by the imposition of the legal fines.

The qlk day the whole noblemen and barons underwrin viz. The Duke off Gor: the E. of Erroll, the E. Marishall, the Lord Banff, Lord Oliphant, Sr. Patt: Ogilevy off Boynd, Patt Barclay of Towie, W<sup>m</sup> Baird of Achmedden, W<sup>m</sup> Duff of Bracco, John Stewart of Killmachlie, Ja Ogillwy of Balldawie, Ballandallach, Belldorny, Itlaw, Denlugas, Bougny, Mayan, Ballnoon, Ja Stewart of Achorachan, Tullich, Allex<sup>r</sup> Gordon of Straloch all thes, being thryce called and not compearing, were ilk ane of them decerned and americiat in the soume of ffyftie punds scots for defect of suit, and in the lyke soume for defect of ther personall presence (the rest off the noblemen and barons being ayther personally pñt or excused by the Shirreff Dept) and ordeined to make payt therof to the Prōr fiscall of this shyre or his sūrs in office w<sup>in</sup> term of law, and ordained precepts etc.

The sd day allso it wes publictly represented by my Ld Achintoull that it wes ane reproach on the judicature to see so few noblemen and barons att a Michaelmes Head Court, and that it wes proper and incumbent on the Shirreff dept to take notice heirof to fyn the absents w<sup>out</sup> exception of persons unles upon very relewant grounds, and that

<sup>1</sup> State Papers (Scotland) Warrant Books, Vol. XXV., p. 143.

<sup>2</sup> Ibidem, p. 21.

no excuses could be admitted by any w<sup>o</sup>ut instrument mōey to the clerk: Qch being considered by the Shirreff dept, who took the samen to his considera<sup>o</sup>ne, and finding the above proposi<sup>o</sup>ne very reaseoneable complied therwith, and declaired that hencefurth he wold oblidge all who were concerned to attend the head courts to be mor puncteall, otherways he wold use the order of law by americiating the absents conform to acts of Parliatt, and that no excuses could be received w<sup>o</sup>ut instrument mōey dew to the Shirreff clerk: Qh act was consented to by all present and ratified by the Shirreff under subscribing.

#### THE BARONS PROTEST AGAINST ATTENDING ON THE LORDS OF JUSTICIARY.

At the Michaelmas Head Court of 1709 the five barons present protested against the burden of attending the Lords of Justiciary on their northern circuit in the county and in Aberdeen.

The sd day allso the Shirreff dept did intimat and communicat at this head court to all the barrons and gentlemen convened att the tyme, that the Lords of Hir Majties Justitiary wer gone to Invernes, and therfor did desyre and require all the barrons present and all others concerned to attend and wait on the sds Lords in ther return at Speysyd, ffryday nixt the 7 off October ensewing be 9 acloack in the morning, to convoy them to Strathbogie, as allso to attend the sds Lords att Abd. on the tent off Oct. allso nixt comeing, and to observe the sds Lords ther dyets ther, intill they be formally dissolwed.

In lykmaner the day itt wes represented by the whole barrons present for themselues, and in name of the absent concurring w<sup>t</sup> them, as ane greiwance and how great a trouble it wes for them and very expensive for them twyce in the yeir to attend thes Lords—ffor remeid qrof it wes condiscended that l<sup>r</sup>es could be w<sup>r</sup>in to Glassach, who represents this shyre, and that he wt the Earle of Seafields concurs and assistance should represent the samen to the British Parliatt. that for the futur this must be rectified and they eased of so great a burden.

#### SOME CHANGES IN THE COUNTY SUITE ROLL BETWEEN 1710 AND 1714.

In 1712, James, third Earl of Findlater, died, and the Earl of Seafeld, his son, succeeded to the older peerage, and was accordingly entered in the Pasch roll as James, fourth Earl of Findlater.

The fourth Lord Banff, at the Michaelmas meeting of 1714, dropped his holding of Blairshinnoch.

Lord Oliphant, with his holdings of Pittendreich, Ardfour and Achinninae, dropped from the county suite roll of Michaelmas 1711.

Sir Patrick Ogilvie of Boyne, with his holding of the thayndome of Boyne, dropped from the Michaelmas roll of 1714, his estate having been previously acquired by his relative, the Earl of Seafield.

#### MAJOR GENERAL ALEXANDER GORDON.

Alexander Gordon, Lord Auchintoul, dropped from the Pasch roll of 1711; and in next Michaelmas roll there appeared in his stead his son, Major General Alexander Gordon for Auchintoul.

General Gordon<sup>1</sup> was born at Auchintoul on 27th December 1669. He was educated in France, and early entered the Russian military service under Czar Peter the Great. In 1696 he commanded a regiment at the siege of Azof. In 1699 or 1700 he married Katherine, daughter of his kinsman, Patrick Gordon of Auchleuchries, Commander-in-Chief of the Russian Army. He commanded a regiment at the defeat of the Russians by the Swedes at Narva in 1700, and was then made prisoner. Writing to the Chancellor, Earl of Seafield, from Stockholm on 12th April 1704, with a request that the Earl might intervene with Queen Anne and get him an exchange, Gordon graphically tells his story thus:<sup>2</sup> "No doubt your Lordship can well remember the memorable passage of raising the siege of Narve in November an. 1700, where I had the command of a regiment of Russes. Would to God they had been of my own countrey men. Then haply our ennimies had not bought ther victory so cheap; but so it was, finding myself abandoned by them and slightly wounded, many of our generall officers shewing me the way, I submitted on tearms which I thought would have been accompanied with a totall liberty to goe of for Moscovy, or at least a treatment more becoming a cavalier, to be a prisoner att large, suffered abroad on paroll; but instead of this I have ever since been confind to my lodgings under a garde, and have rarely or never leave to take the air out of doors. Yet not so much this hardship, as the tedious loss of time, my Lord, after having used all possible means and attempted often my liberty in vain, that I might not become troublesome, that now presses me to implore your Lordship's assistance; . . . for imploying some part of the powerfull interest and credit you have with her Majesty in my

<sup>1</sup> See also "The House of Gordon," Vol. I., New Spalding Club, pp. 137-140.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 372-3.

behalf; with whom 'twere easie by the means of Mr. Robinson, her envoy to the Sweedish court, to obtain liberty for me, on same conditions as Coll. Pendergrass, an Irishman, had his leave last harvest by her Majties gracious recommendation not to beare arms or command against Sweeden during the warrs, which as I'll readily doe, so I'll cheerfully to the last degree be devoted to her Majties interest, and ever be with particular gratitude and respect, My Lord, Your Lordship's most oblidge and most faithfull humb. servant, Alex<sup>r</sup>. Gordon." The appeal seems to have been ineffectual, for it was only in 1707 that he was liberated by exchange. From 1708 down to 1711 he was engaged again in the Russian service, in which he attained the rank of Major General, fighting successfully against Poland. While serving there he heard of his father's death in 1710, and in 1711 he returned to Scotland.

On 24th June 1712 there is recorded a sasine by Major General Gordon in his wife's favour, securing her a yearly jointure of sixteen hundred merks on the lands of Auchintoul, with the manor-house for her jointure house. That same year he added the neighbouring lands of Laithers, near Turriff, to the family estate, and later, on 30th May 1715, the lands of Elrick, etc., in his native parish of Marnoch.

He was present at the Michaelmas head court of 1713, held at Banff, along with five other barons, but being a Roman Catholic and probably averse to taking the oaths of allegiance and assurance, took no part in the election of a member of parliament seven days later.

He opposed the Hanoverian succession, and was one of the principal supporters of Mar in the rising of the Fifteen. He was present at the hunting party in the Braes of Mar of 27th August 1715, and at the raising of the Standard there on 6th September. Thereafter he proceeded west, and raised the western clans to the number of 4000, and leading them into Argyleshire rounded up the Campbells under the Earl of Islay, thus preventing them from joining their chief, the Duke of Argyle, who was opposing Mar from Stirling. His junction with Mar just before Sheriffmuir placed at the disposal of the Jacobite leader a preponderating force, which would have given complete victory to James had Gordon been leader. As it was, General Gordon, commanding 4000, with Glenbucket under him, was victorious in his part of the line. The supreme command was given to him too late, in February 1716, when the Old Chevalier and Mar had fled to France. He conducted the retreat of the remanent of the Jacobite forces to the north, where they quietly dispersed, Argyle keeping at a safe distance. For his share in the Rebellion he was attainted, but owing to his being named Thomas instead of Alexander in the act of attainder, his estates escaped forfeiture. In 1717 he escaped to France. There and in Spain

he eagerly concerted measures for the restoration of the Stuarts; and illness alone prevented him from sailing from Spain with Earl Marischal and his ill-starred expedition, which was scattered at Glenshiel in 1719. The Jacobite game was now up, so far as he was concerned.

He returned to Scotland probably in 1725. That year, possibly to pay off debts he may have contracted abroad, he mortgaged his lands of Auchintoul to James Mitchell of Achanacie, for an advance of ten thousand merks, which he repaid in 1729. In 1728 he was admitted a burghess of the Royal Burgh of Banff. In the following year the Royal Burgh of Cullen similarly honoured itself by admitting him a burghess along with the Duke of Gordon and others. In October 1729, like a quiet country gentleman, he was interesting himself in the building of a new bridge over the burn of Auchintoul. His first appearance in the sederunts of the Commissioners of Supply and Justices of the Peace of Banffshire was on 30th September 1737.

He took no part in the rising of the Forty-five. He was, in any event, too old for active service. The following reference is made to him in the journal of an English medical officer, who attended the Duke of Cumberland's army as far north as Inverness during the rising, published in 1746, when describing his journey from Strathbogie to Banff:—"From this place (Mayen) to Banff the Deveron obstructs our way, which with great difficulty and some danger I forded with my horse. From hence we come into a country producing scarce anything but peat for firing; in this barren spot I passed a good sort of house belonging to one Gordon, a very old man, formerly a General in the Czar of Muscovy's service, and then had a pretty good road to Banff." He died on 31st July 1751, and was not the founder of the village of Aberchirder, built on the Auchintoul estate in 1764, and not in 1746 as stated by Dr. Cramond. He is buried in Marnoch churchyard, where nothing marks the spot. In 1755 there was published in Aberdeen his *History of Peter the Great, Emperor of Russia*, under whom he had served.

#### CHANGES IN THE SUITE ROLL CONTINUED.

Sir John Gordon of Park dropped out at Michaelmas 1711, his son, Sir James Gordon, appearing in the Pasch roll of 1712.

Sir Francis Grant, Lord Cullen, with his holding of Quallen,<sup>1</sup> dropped from the Michaelmas roll of 1714. Under date 10th July 1712, there is engrossed in the Minute book of Freeholders an interlocutor by Nicolas Dunbar, Sheriff-depute, in the tutory of Alexander Grant of Bellintome, the tutors being the said Sir Francis Grant and Walter Grant of Airndillie.

<sup>1</sup> Cullen of Gamrie.



## THE GENERAL ELECTION OF 1713.

The Whig administration of Marlborough and Godolphin, which Seafeld had supported, shaken in 1708 by the extrusion of Harley and St. John from office, in times of personal royal government, fell in 1710, when Harley and St. John and the Tories, with Mrs. Masham's influence, came into power. Peace with France followed. Jacobitism again raised its head higher, and hopes of a Hanoverian succession though settled by law, were correspondingly depressed. All parties were setting their sails for the general election, which had to take place in 1713. In Scotland the policy of the first Parliament of Great Britain had been so needlessly exasperating, that when, in 1713, the Commons, contrary to the spirit of the union, extended the malt tax to Scotland, Seafeld, now Earl of Findlater, supported by the whig Duke of Argyle, moved in the Lords, on 1st June, for an act to dissolve the union, and was defeated by a majority of only four proxy votes. In the election that ensued, Seafeld was dropped from the list of sixteen representative peers of Scotland put forward by the government, and was not returned to Parliament.

## PRODUCTION OF CHARTERS.

At the Michaelmas Head Court of 1713, held by Nicolas Dunbar, Sheriff-depute, on 2nd October, six freeholders were present, including Major General Alexander Gordon of Auchintoul.

The Shirreff Dept. forsd appoynts and ordeins that intimaons may be issued out against the nixt Pash Court, that then the whole barrons in the shyre may bring in and produce ther chartours that it may be knowen who are barrons, and who have power to wote in elections or are capable to elect or to be elected as Commissioner ffor the shyre in any ensueing Parliatt. for the futur. NICOLAS DUNBAR, Dept.

Tandem the Shirreff deputt wt and by the consent off the abowe-named barons prorogat the production of the abowe chartours untill the Michaelmess Court nixt in the yeir 1714 yeirs, and ordains and appoynts that intimaones may [be] ished att ilk parish kirk of the shyre previous to the Head Court, that then ther chartors may be produced and considered, and warrands the clerk to ishue intimaons in deu tyme for this effect.

## ELECTION OF GLASSAUGH AS COMMISSIONER OF THE SHIRE.

ATT Banff the nynth day of October Iajvy& and thirteen yeares in a meeting of the barons and ffreeholders of Banff shyre

holden by Sr Alex<sup>r</sup> Ogilvie of fforland, Brigadier Grant of that ilk, Sr James Abercromby of Birkenbog, Sr James Dunbar of Durne, Collonell W<sup>m</sup> Grant of Ballindalloch, The Lairds of Denlugas, Achynonie, Bog, Edingeith elder, Ballnoon, Troup, Collynevar, Kinairdy, Bracco, Kilminty, Carron, Carnousie, and Glassaugh.

The sds barons and ffreeholders pñt elected Sr Alex<sup>r</sup> Ogilvy preces and Patrick Leslie shreff clerk of the sd shyre clerk to this meeting, the votes of the meeting being collected by Glassaugh former Comissioner for this shyre to the last Parliat., as the act of Parliat. anno 1681 anent electione of Commissrs for shires does prescribe.

The sd day Nicolas Dunbar of Castlefield Shreff deput of this shyre represented to the ffreeholders pñt that he having receaved a brieff from the Chancellary of Great Brittan dated the 18th of August last appoynting the Shreff of this shyre cause the freeholders yroff (after due notice given them) to choise a representative to the Parliat. of Great Brittan called to meett at Westminster on the 12th day of November nixt to come, as the sd brieve produced did bear: In obedience qrunto the Shreff deput having caused intima<sup>o</sup>n to the sds freeholders by a publict intimatione at the mercat croce of Banff and by intima<sup>o</sup>nes at each parish kirk of the sd shyre on Sunday last, to meett and convene this day and place for choising the forsaid representative and for instructing yryt, the Shreff deput produced ane execu<sup>o</sup>ne of the proclamation at the sd mercat croce of Banff and of the intima<sup>o</sup>ne sent to each parish kirk as aforsd and returned duely indorsed by each reader, qch were accordingly read.

The sd day the above designed Collonell W<sup>m</sup> Grant, and produced ane charter under the Great Seall off all and haill the lands and barony of Tullocharron, Bellieveill, Drumnagairne, and Aldewin, and Aldrich and Kirktowne of Inverawin all lying in the parish of Inveravin and shire of Banff, being a pairt of the landes and estate of Ballandalloch, and that in favours of the sd Collonell W<sup>m</sup> Grant dated the 12th of ffebruary 1711, and instrument of saisin following yron dated the 8th day of March and regrat the 26th day of the sd moneth 1711 yeares forsd, and craved the meeting would allow of the sds productiones to intitule him to vote in the electione of the forsd

representative, q̄ch the ffreeholders p̄nt having seen and perused did accordingly allow as craved, and appoynt him to be called in the suite rolls of the shyre in place of John Grant of Ballandalloch former heritor, whom they ordaine to be scored out.

The ffreeholders p̄nt resolve that a roll of electors of members of Parliat. for this shyre be made up, and in order yrto appoynt and recommends to the Shreff to convene all the barons and freeholders of the shyre to meett at the nixt Michaelmass head court and produce yr chartors and saisines giving ym right to vote at electiones, that so the said roll may be made up and approved by the majority of the freeholders who shall compear.

Thereafter the freeholders p̄nt having first qualified themselves by takeing and signing the oaths of alledgeance and assurance to Hir Matie appointed by law, and having caused read over the s̄rall acts both in Scots and Brittish Parliats. anent the electiones of Commissioners from shires to the Parliat, the barons before proceeding to the electione doe unanimously resolve and agrie that whoever shall be chosen as the representative of the shyre to the insueing Parliat. of Great Brittan shall serve gratis wout any expence or charge to the shyre, and that the persone elected shall in testimony of his aquiescing and consent ȳrto subscriue to this sederunt. The barons then proceeding to the electione, and it being stated in a vote who should be elected to be this shyres Commissr, it carried nemine contradicente that Alex<sup>r</sup> Abercromby of Glassaugh should be elected; and ȳrfore the sds ffreeholders hereby elect and choise the sd Allex<sup>r</sup> Abercrombie one of ȳr ounge number to be Commissioner from the shyre of Banff to represent the same in the sd nixt insueing Parliat. of Great Brittan and haill sessiones yrof untill the finall dissolutione of the samen, with full power to him to meett act and treat on all things to be proponed or agitat in the sd Parliat, as fully and friely as any Commissr from any oyr shyre can doe, which they promise to hold firme and stable; and the sds barons ordained the clerk of this meeting to certifie this electione to the Shreff of this shyre that the same may be certified by him in comone forme to the court out of qch the forsd brieve issued in due tyme; and the preces for and in name of the meeting have sub<sup>d</sup> this sederunt, and the sd Alex<sup>r</sup> Abercromby in

token of his consent and approbatione of the above resolve discharging any expenses to the Comissioner hes also sub<sup>d</sup> thir pnts.

ALEXR OGILVIE.

ALEXR ABERCROMBY.

The Pasch court of 1714 was the last head court of the county presided over by Nicolas Dunbar of Castlefield, Sheriff depute of Banffshire.

On 1st August 1714, Queen Anne died, and was succeeded by George I., Elector of Hanover.

APPOINTMENT OF ANDREW HAY AND PROVOST MARK AS  
SHERIFFS DEPUTE.

On 28th August 1714, the Earl of Findlater signed at London a deputation appointing Mr. Andrew Hay, yr. of Montblairie, and John Mark, Provost of Banff, Sheriffs depute of Banffshire. This deputation was presented to the freeholders on 1st October.

Banff, Oct. 1, 1714 — Being the head Michaelmes court day, the sd day Mr. Andrew Hay yor of Monblere and John Mark Provost off Banff presented and produced ane deputa<sup>ne</sup> from the Right Hon<sup>le</sup>. James Earle off ffindlater etc. Shirreff Prin<sup>ll</sup> of Banffshire, appoynting and constituting them as his deputts within the Shirrefdome off Banff, and to exerce that office als fully and freely as any other Shirreff dept w<sup>in</sup> the kingdom does and may doe, and desyred the sd deputa<sup>ne</sup> to be recorded in the sd Shirreff court books, and took instruments theron, and the sd Shirreffs deputts accordinglye did give ther oaths de fideli, and did take and swear and synged the oaths appoynted conform to law.

The sd day the abowe Shirreff deputts taking to ther considera<sup>ne</sup> the badnes of this day w<sup>t</sup> the stormines of the weither and distance of place many off the gentlemen had to traivell att this tyme, they excuse the whole noblemen barrons and gentlemen abowe named for ther absence from this head court: Meantym appoynts all of them to attend better in tyme to come under the faylies and penalties contained in acts of Parliat, and appoynts the shirreff clerk hencefurth to issue intima<sup>ns</sup> that all concerned may hawe notice in deu tyme previous to the head courts for the futur. Q<sup>ron</sup> act.

AND. HAY.

JO MARKE.

Followes the deputa<sup>ne</sup> on the other padge.

Wee James Earle of findlater and Seafeld, Viscount of Reidhaven, Lord Ogilvie of Deskfoord and Cullen, Lord Chanchelor of Scotland and Sherriff Principall of Banffshyre doe hereby make nominat constitute and appoynt Andrew Hay younger of Monblary and John Mark Provost of the Burgh of Banff coñllie and sēallie to be our deput and Shirreffs in the sd Shirreffdom of Bamfe, and by thir presents we give grant and committ to the said Andrew Hay and John Mark coñllie and sēallie, as said is, our full power warrant and commission in our absence to hold courts in any place within the said shyre, and generally to execute the said office of Shirreff deput as fully and freely in all respects as oȳr Shirreff deputs within that part of the kingdom of Great Brittain called Scotland are in use to doe, or what by the laws of Scotland are knowen to belong and appertain to the said office, with power allso to them to take uplift and receive the dues profites and emoluments belonging to the said office of Shirreff depute: Declaring that by yr acceptation of this present deputation the sd Andrew Hay and John Mark shall be bound and oblided to receave and obey instructions as wee shall give them from tyme to tyme concerning the executing of the said office, and this pñtts to continow dureing our pleasure alleanerly, consenting to the regrañ hereof in the Shirreff court books of the said shyre of Bamff yrin to remains for conservañ, and for that effect wee constitute James Cock Town Clerk of Bamff our prōr &c : In witnes qrof wee have subt. ther pñtts (written be John Lorimer our servitor) att London the twenty eight day of August one thousand seven hundred and fourteen years before these witnesses James Ross and George Niellson our servitors and the said John Lorimer. Sic subscribitur, Findlater, James Ross witness, George Niellson witness, John Lorimer witness.

#### THE GENERAL ELECTION OF 1715.

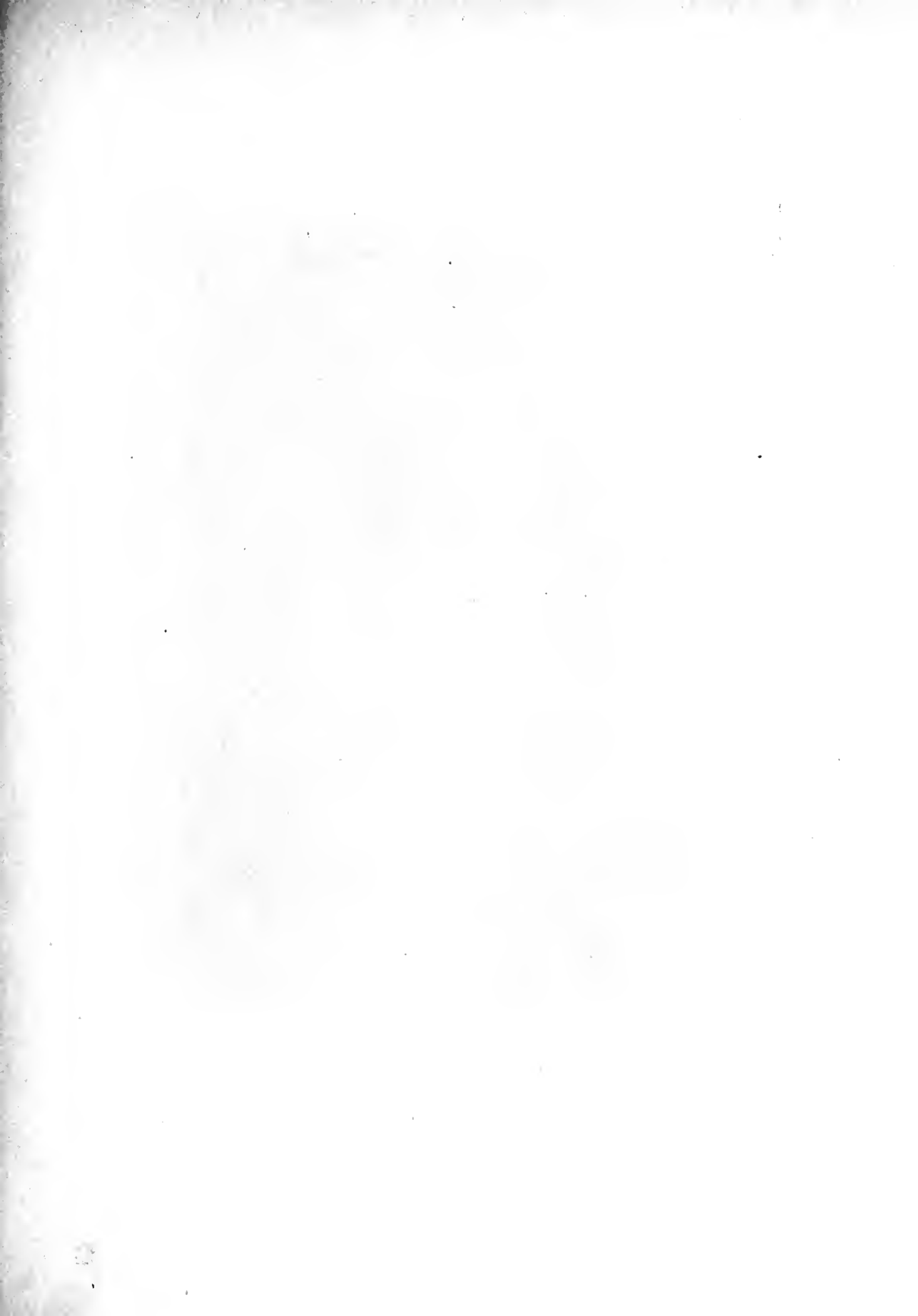
The Parliament of 1713 was dissolved within six months of the decease of Queen Anne, and a new one summoned for 17th March 1715. Alexander Abercromby of Glassaugh was again elected for Banffshire.

## ELECTION OF GLASSAUGH AS COMMISSIONER OF THE SHIRE.

ATT Banff the twenty fourt day off ffebr seiventeen hundred and ffyften yeirs. In a meeting off the barrons and freeholders off Banffshyre holden att this place by the Lairds ffoloweing: To witt Sr Ja. Abercromby of Birkenboug, Sr Ja Dunbar of Durn, Alex<sup>r</sup> Gairden off Troup, Captain Alex<sup>r</sup> Abercromby off Glassach, Thomas Donaldsone off Kinnairdie, John Innes off Edengeith, Geo Stewart off Boag, John Joass off Colleonard.

The sds barrons and freeholders above named did nominat and elected Alex<sup>r</sup> Gairden off Troup to be preses to this meeting and Burdsbank shirreff clerk to be clerk to the meeting, the wots of the meeting being collected by Glassauch former Commissr for this shyre to the last Parliatt, as the act of Parliatt. in anno 1681 anent election off Commissrs for shyres does proscryve. The said day John Mart Provost of Banff and Shirreff dept of this shyre pñted and produced to the freeholders present that he haveing received a brieff from the Chañrie of Great Brittain dated the siventeent day of Jañry last past appoynting the Shirriff of this shyre to cause the freeholders yrof after due notice given them to choose a representative to the Parliatt. of Great Brittain called to meet at Westminster on the seventeenth day of March next to come, as the sd brieff produced did bear: In obedience qrunto the sd Shirriff deput haveing caused intimat to the sds freeholders by a publick intima<sup>o</sup>n att the mercat cross of Banff and by intima<sup>o</sup>ns at each parish church of the said shyre Sunday last to meet and conven this day and place for choosing the forsd representative and for instructing yrof, the Shirreff deput. produced ane execu<sup>o</sup>n of the proclama<sup>o</sup>n att the said mercatt cross of Banff and of the the intima<sup>o</sup>n sent to the parish kirks as aforsd and returned duely indorsed by the most of the readers.

Thereafter the freeholders present haveing first qualified ymselves by taking and signing the oaths to his Mätie King George appoynted by law, and haveing caused read over the seäll acts in the Scots and Brittish Parliat. annent the elections of Commissioners from shyres to the Parliatt, the barrons before proceeding to the election doe unanimously resolve and agree that whosoever be chosen as the representative





*George, 1<sup>st</sup> Duke of Gordon, seated  
with his son, Alexander, Marquis of Huntly  
and daughter, Jane, Duchess of Perth.*

BY SIR JOHN MEUNIER



of this shyre to the ensueing Parliatt of Great Brittain shall serve gratis without any expence or charge to this shyre, and the person elected shall in testimony of his acquiesing and consent yrto subscribe this sederunt. The barrons then proceeding to the election and it being stated in a wote who should be elected to be the shyres Commissioner it carryed (nemine contra-dicente) that Alex<sup>r</sup> Abercromby of Glassaugh should be elected, and therefor the sds freeholders hereby doe elect and choose the said Alex<sup>r</sup> Abercromby one of yr own number to be Commissioner for this shyre of Banff to represent in the sd next insueing Parliatt. of Great Brittain and hail sessions yrof untill the finall dissolution of the samen, with full power to him to meet act and treat in all things to be proponed or adjtat in the sd Parliatt, als fully and freely as any Comm<sup>r</sup> from any oyr shyre can doe, qch they promise to hold firm and stable : And the sds barrons ordained the clerk of this meeting to certifie this election to the Shirreff of this shyre, that the samen may be certified by him in common form to the court out of qch the forsd brive ishued in due tyme. And the preces for and in name of the meeting has sub<sup>t</sup> this sederunt, and the sd Alex<sup>r</sup> Abercromby in token of his consent and approba<sup>n</sup> of the above resolve dischargeing any expenses to the Comm<sup>r</sup> has also sub<sup>t</sup> thir p<sup>n</sup>ts.

GEO. LESLYE, Cls.

ALEXR GAIRDNE, P.

ALEXR ABERCROMBIE.

#### THE FIFTEEN.

Six months later, on 6th September 1715, the standard on the Braes o' Mar was up and streaming rarely. Banffshire was deeply involved in the rising of the Fifteen, as the following Minutes of head courts of Michaelmas 1715, and Pasch and Michaelmas 1716, show. The Duke of Gordon was early arrested, and was not out with Mar. His eldest son, the Marquis of Huntly, however, was one of the leaders of the rising. The Duke died in the citadel of Leith on 7th December 1716. The Earl Marischal was early out. Lord Deskford was early arrested in Edinburgh, mainly on account of his connexion through marriage with the Hays of Kinnoul, some of whom were involved. He was liberated after a brief confinement, and really had no sympathy with the Jacobites. James Ogilvie, younger of Boyne, now reappeared, and was very active in Banffshire under Huntly for the Old Chevalier. Though present at the election of Glassaugh in February, and though they

took the oaths of allegiance, the baronets of Birkenbog and Durn were out. So also were Major General Alexander Gordon of Auchintoul, Gordon of Carnousie, Charles Hay of Rannas, Charles Gordon of Glengerrock, and others.

At the Michaelmas head court held on 30th September, 1715, by John Marke, Provost of Banff.

The sd day the Shirreff deputt by reason off the present circumstances, and the confusion the country is in att the tyme, the most of the abowenamed noblemen and barons being gone abroad, he excuses all of them for ther absence from this Michaelmas head court.

JO MARKE, Dept.

At the Pasch head court held on 6th April, 1716, by Mr. Andrew Hay.

The sd day the Shirreff deputt in respect of the confusions and troubles as yet affecting the countrey, the most of the noblemen barrons and gentlemen abowenamed being for the most part from home and abroad, he excuses all of them as marked and excused. Bracco compeired by Allex<sup>r</sup> Mill his factor, and Petter Gordon off Ardmellie personally present.

At the Michaelmas head court held on 5th October, 1716, by John Joass of Colleopard.

The sd day John Joass of Coleopard the only Shirreff deputt present att this head Michaelmes court, in respect of the confusions and troubles as yet in the countrey excuses all the noblemen gentlemen and barons within and abowenamed as they are marked and excused for ther non compeirance att this head court. Compeired the Laird of Bracco by Allex<sup>r</sup> Mill his factor.

The rising of the Fifteen would have been a natural period to close this chapter. The reason for carrying it on to the year 1722, which presents no natural break, is the fact that the Minute Book of Freeholders under contribution ends on 10th April 1722.

#### CHANGES IN THE SUITE ROLL.

In the Pasch roll of 1717 Lord Deskford appeared for the lands of the thayndom of Boynd.

The Earl Marischal dropped from the Pasch roll of 1718. Next year he was involved in the Spanish Jacobite landing in the West of Scotland, which was defeated at Glenshiel.

The attendance of the barons at head courts continued very irregular and meagre; and the measures adopted to remedy this at the Michaelmas head court of 1717 were of little avail.

The whilk day the Right Hono<sup>ll</sup> the Earle off ffindlater as Shirreff Prin<sup>ll</sup> personally present sitting in judgement without any deputt ex nobili officio excused all the absents [except nine] from this Michaelmes head court with this qualitie and prowision: that the absents should gratifie the clerk for this ther neglect, and that if any list should be drawn qrby decr<sup>t</sup> or diligence might be raised theron, it sould be first communicat to his Lo and authorised by him; and furder the sd Shirreff Prin<sup>ll</sup> appoynted that hencefurth the shirreff clerk should issue intima<sup>ones</sup> thorow the whole shyre att ilk parish kirk on the Sabbath day preceeding each Pasch and Michaelmes head courts, that all concerned may have due notice off each parl<sup>r</sup> head court day, qrby they may ewite fyneing for ther absence and contempt under the pains and penalties contained in the acts off Parliament: Q<sup>r</sup>on act.

#### MR. ANDREW HAY ENROLLED FOR THE BARONIE OF ITLAW.

The court of the Sherifffdome of Banff holden within the tolbooth of Banff the tenth day of Aprile one thousand seven hundred and twentie two yeares by the Right Hon<sup>ll</sup> James Earle of ffindlater et Seafield, Lord Ogilvie of Deskfoord and Sheriff Pri<sup>n</sup>ll of the said shire.

The suites called the court fenced and affirmed. Therafter the Earle of ffindlater as Shirreff Pri<sup>n</sup>ll withdrew and left the court to his deputts.

Compeared Mr. Andrew Hay of Montblairie who produced a charter under the great seal of the lands and barronie of Itlaw and others in his favours dated 12th November 1720, with his seasine following thereon dated the 17th of December thereafter, and desired that he might be inrolled in the rolls of barrons and freeholders within the countie of Banff, and in respect the lands in which he stands infest extends to above 400 libs of valued rent. Therefore the barrons and freeholders present ordained him to be inrolled accordinglie; and this by appointment of Capt. Alex<sup>r</sup> Abercromby preses.

ALEXR ABERCROMBIE.

## ELECTION OF GLASSAUGH AS COMMISSIONER OF THE SHIRE.

Alexander Abercromby of Glassaugh was again elected Commissioner for the county on the same terms as at his election in 1715, that he would serve the county gratuitously. The following provision for making the political views of the freeholders effectual was at the same time adopted and minuted :—

ATT Banff the tenth day of Aprile seventeen hundred and twentie two years in a meeting of the barons and freeholders of Banffshire holden at this place by the barons following, to witt Sir Alexander Ogilvy of fforghlen, Baronett, Thomas Grant of Airdendillie, James Leslie of Tullich, Andrew Hay of Mountblairie, and Thomas Donaldson of Kinairdy. Sir Alexander Ogilvie preses and George Leslye clerk. . . . .

And its lykeways resolved and agreed upon by the saids barons that a committee of the barons and ffreeholders within this county be named to draw up and extend such petitions and addresses to the King Council or House of Commons as they shall think fitt and convenient from time to time for the good and interest of their countrey, and that the person above chosen representative in the ensueing Parliat. shall not only present such petitions and addresses as shall be sent him by the said committee or any others of the freeholders within the county, but also shall use his outmost endeavour to get the same thorrowed, and for that effect they hereby appoynt and name Lord Forglen, Lairds of Grant and Bracco, Troup, Kinairdy, Tullich, Achynany, Monblary or any five to be a quorum of the said committee: Declareing that the above nomination shall be but prejudice of any other barron or freeholder within the sd county to meet with vote and treat upon anything that shall be agitat by the said commitee with rela<sup>n</sup> to what is above recomended, and the said barrons hereby appoynt the said commitie or any quorum of them to duely intimat by missive or uyrways to barrons and ffreeholders within this county the preceise day that shall be appoynted by the said commitie for drawing up and extending the petitions or addreses so to be sent by them to there sd representative in Parliat.

ALEXR ABERCROMBIE.

ALEXR. OGILVIE.

## CHAPTER II.

### *Commissioners of Supply, of Excise, and of the Pole, and Justices of Peace, 1661-1718.*

#### LAND VALUATION. THE OLD AND NEW EXTENT.

LAND valuation for the purpose of fixing the duties payable by vassals to their superiors is probably as old as the feudal system.

The origin of the valuation of land in Scotland for purposes of public taxation is also old and somewhat obscure. For public taxation or revenue purposes one of the oldest valuations was that made in the reign of Alexander III. in the thirteenth century, to which the name of the old extent was given. Interesting references to the old extent of several of the land holdings in Banffshire have been given in Chapter I. at pages 115-16, in the minute of Freeholders dated 6th October 1702. The name of old extent was applied long after its institution to distinguish it from a newer valuation made in 1474, which was known as the new extent.

Parliament, by the statute of 1474 c. 10, ordained that retours should state not only the old extent as heretofore, but the actual value of the lands at the time. If, therefore, this law had been systematically observed there would have been on the succession and entry of every heir a real valuation of the lands inherited, and on this valuation there could equitably have been proportioned the public taxation or supply required. The practice, however, was otherwise. After the first ascertainment of the new extent, that amount was automatically repeated in subsequent retours, being generally stated as a multiple of the old extent. Here it may be explained that retour is a Scots legal term meaning the return or verdict of the jury serving an heir to his ancestor in the possession of the inherited lands. In the retour were given the value of the lands according to the old extent when known, as well as the new extent.

#### THE VALUATIONS OF 1643 AND THE COMMONWEALTH.

After the opening of the Civil War the inequalities between the new extent value and the real value of the land of Scotland, which had supervened since 1474, were so far rectified. The Convention of Estates on 15th August 1643, when imposing a supply to maintain the Scots army assisting to suppress the rebellion in Ireland, appointed Commissioners of Supply for the various counties with Conveners, and directed

them "to use all legall ways to informe themselffes of the just and trew worth of every personne or personnes thair present yeares rent of this crope and yeir 1643 to landward as weill of lands and teinds as of any uther thing wherby yeirlie proffeit and commoditie aryseth." This entailed a new valuation of the land of Scotland in counties and parishes according to rental.

During the Commonwealth cess or land tax was imposed by two acts of Cromwell's Parliament; and on every shire in Scotland was allocated a certain quota, which was apportioned by County Commissioners amongst the heritors of the shire according to the rates at which their lands were valued, and collected by a county collector. The following letter and minute of meeting of the heritors of Banffshire,<sup>1</sup> recovered by Dr. Cramond, Cullen, otherwise interesting as showing that the guard of the shire was a burden upon the feudal owners of the soil, illustrate the difficulty of carrying out an equitable revaluation of the lands of a county unless it were done for the whole shire:—

COL. ASHFIELD TO THE GENTLEMEN OF BANFFSHIRE, 1653.

These for the Gentlemen of Bamfeshire present: Gent<sup>m</sup>, There being an necessitie of a watch for securing those parts in your shire which ly neare the highlands from the incursion of those looss people which dayly breake downe upon them doeing great spoyle and carying away much goods: And I haueing receaved instructions from Collonel Lilborne to lay the charge upon the whole shire I thought good to acquaint you therewith that you might make choyce of a fitt and able person for that imployment and to agree with him at as chepe a rat as you can. When I understand what his monthly allowance shall bee the collector shall receave an order to lay the charge equially upon the whole shire, and to collect it with his sess. The governor of Belveney with the gentlemen in those parts whom it most concerines as to securitie hath represented Capt. Petter Gordon<sup>2</sup> as a man fitt and able for that charge, and if hee be thought soe by them I suppose the rest of the shire will not opose, and therefore I desire he may be the man employed in that busines, which is all from, Gentlemen, your assured servant, R. Ashfeild. Aberdene this 30th of Appl '53.

I likewise desire those six parishes near Belveny may be considered for there extrordinary charge this winter to that garrison.—R. A.

<sup>1</sup> "Scottish Notes and Queries," 2nd Series (1900), Vol. II., pp. 42-44.

<sup>2</sup> Laird of Laichie (Dufftown).

## APPOINTING A GUARD FOR AND REVALUATION OF THE SHIRE, 1653.

At Banff the second day of December 1<sup>M</sup>VIC and fyftie three year conveened the heretors and gentrie of Banffshyr: George Lord Banff, Sir Alexander Abercromby of Galcorse, knight, Thomas Stewart of Ryland, Mr. Alex<sup>r</sup>. Douglas of Downies, Shereff, Peter Meldrum of Lichnet, Patrik Stewart of Brydachmylne, Walter Ogilvye of Raggell, William Lawtie of Myrehous, George Abercromby appearand of Skeyth, Thomas Joss in Hiltoune of Blairshinnoch, James Basken, Collector of Shyr, Alexander Urquhart of Dunlugas, Jhone Ogilvie yr of Kempcarne, Walter Ogilvye of Baldavye, Mr. Walter Innes of Auchluncart, George Mortimer of Auchinbadie, Jhone Gardyne of Tarlair, Alexander Wynchester of Stonieley, burges of Banff, James Stewart of Monblettoune, Gilbert Mair of Awalds, George Stewart, chamberlane of Boyne, and Frederick Ogilvye, chamberlane to the Lord Deskford.

The said James Basken, collectour, haveing presented ane letter and order from Coll. Lilburne and another relating therto from Collonell Ashfeild appoynting and ordering ane guard or watch to be appoyntit for the shyr as abefor, the preses causit read the saids letters and order direct from the saids commanders in cheef, which being proponed to the said conventione they all in ane voyce accordit and consentit to the establishing of ane new guard or watch for the said shyre, but being informed be the said James Basken that Captain Patrik Gordone, late captane of the said watch, had refused to undergoe the said task, which wes also asserted be the said John Ogilvye appearand of Kempcarne, who declaired that the said Captaine Patrick Gordoun had declaired to him he had refused to undertake the said charge, and because the saids heretors could not find ony fitting or able persone nor ony willing to undertak the said charge: Thairfor vntill ane able and fitting persone to the said charge and willing to vndertak the same they could not proceed forder therin nor nominat ony one till they find one able and willing to vndertak, and ordaines an order to be sent be the said James Basken to the said Captain Gordon to understand of himself whither he will accept or refuse the said charge: And conforme to this procedur ordainis that ane letter be sent from the preses of the said comitte to Collonell Ashfeild anent the diligence of the shyr and the procedur theranent as said is.

The said day anent the act for revaluatione of parochines within the sheriffdome of Banff conforme to the act of last conventione compeered Major Walter Ogilvye of Raggell presented the said act with ane valuatione conforme therto, and also Patrik Stewart at the mylne of Brydack presented the lyk act and ane new valuatione conforme therto desyring the samen to be admitted and accepted. Compeered Alex<sup>r</sup>. Urquhart of Dunlugus, Sir Alexander Abercromby of Galtorse knight, Jon Ogilvye appearand of Kempcarne, Walter Ogilvye of Beldavy, and William Lawtie in Myrehous and alledgit the conventione of the heretors had no power nor authoritie to give order for revaluatione of particular parochines, and that the conventione of the shyre for the tym having no warrand or auctoritie for that effect the procedur and revaluatione following therupon wes null. Quherupon the said Alexander Urquhart of Dunlugus, Jo<sup>n</sup> Ogilvye appearand of Kempcarne, Sir Alex<sup>r</sup>. Abercromby, William Lawtie, Walter Ogilvye of Baldavie protestit againes the same revaluatione of particular parochines and protestit for nullitie theroff, and the said Patrik Stewart, Major Walter Ogilvye and Thomas Stewart of Ryland protested that the former act of the last conventione sould stand and be effectuell.

A. DOUGLAS, preses.

#### COMMISSIONERS OF EXCISE, 1661.

Hitherto in Scotland land had been the main basis of taxation. With the Civil War a revised and broader basis of taxation was introduced. When the supply from the land tax proved insufficient to maintain the government of the country, other expedients were resorted to. One early measure was the imposition of excise duties. After the Scots army had been in the field for a somewhat protracted period, an excise, over and above the custom duties then levied, was imposed in 1643 to raise funds to pay the soldiers. The list of excisable articles was a long one; and collectors and surveyors were appointed by the Committee of the Estates to collect the revenue. To clear off arrears of army pay an excise was again imposed in 1645; and on this occasion local arrangements were made for its collection, by magistrates in burghs and by elders and deacons in landward parishes. These collectors accounted to county collectors appointed by the central commissioners of excise. Ten per cent. of the income was set apart to defray the costs of collection, and for burghal and parochial public and charitable purposes.



At the Restoration on 22nd and 29th March 1661, an annual excise of £40,000 stg. was voted the King for life. This sum was apportioned amongst the various counties for monthly payment. The quota imposed on Banffshire and the two burghs within the same was £387 3s. Scots monthly. For regulating, ordering and uplifting this excise, commissioners<sup>1</sup> were appointed for the various counties. The Commissioners for Banffshire were William Earle of Marishall, Earle of Findlater, Walter Ogilvie of Boyne, Sir John Gordoun of Park, Sir Alexander Wrquhart of Dunlugus, William Innes of Kinnermonie, Master John Abercrombie of Glassoch, George Gordoun of Thornbank, Alex<sup>r</sup>. Garden of Troup, James Innes of Auchrosk, Sir Alexander Abercrombie of Birkenboig, William Dalgarno of Blackwater and Alexander Ogilvie of Kempcairne, the Proveist and Baillies of the town of Banff for the tyme being, and the Baillies of Cullen for the time being.

The Commissioners were empowered to elect their own convener, collector and other officials except the clerk, who was named by the Clerk of Register.

#### THE VALUED RENT OF 1667, AND COMMISSIONERS OF SUPPLY.

Toward the end of the first Dutch War, the Convention of Estates on 23rd January 1667, voted a supply of seventy-two thousand pounds Scots monthly for twelve months to "provyde all suteable remedies for defence of the kingdom against all forraign invasion." When voting this new supply to the King, the Estates enacted that the County Commissioners then appointed should value all lands, including Church lands, according to their real value, for the purpose of assessing and proportioning the supply thereon. This valuation, known as the valued rent, remained fixed and stereotyped for long, and was the basis on which not only the land tax was afterwards levied and paid to government, but on which county local taxation was raised. As time passed, the inequalities of this valuation increased; but it was only superseded as a basis for most purposes of local taxation by the Valuation Act of 1854, which enacted yearly valuations of heritage based on actual current rent or value.

The valued rent fixed in 1667 superseded the old and new extent and the valuation of 1643. The various counties of Scotland were separately valued, and the heritors were entered in county cess rolls according to their cumulo valuations in the various parishes. When Parliament voted a supply to the King, the total sum was named in the act, and was proportioned amongst the counties and royal burghs

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VII., p. 93.

according to their valued rent. The sum thus proportioned on any county was then levied on the various heritors according to their valued rents. Before 1667 the collection of land tax in counties was carried out by officials of the crown appointed in terms of the various acts of supply, usually the Sheriff or collectors and sub-collectors. In 1667 and after, the collection was made by the Commissioners of Supply named for the various counties and, by the magistrates of royal burghs, the collectors being appointed by them. To ensure payment the acts of supply authorised the quartering of soldiers on defaulting heritors until the deficiency was thus wiped out. Commissioners of Supply were from 1667 until long after specifically named in the various acts of supply. Their Convener also was sometimes named in the act, and if not he was elected by the Commissioners. His duty was to call meetings, and though he usually presided, he did not necessarily do so. There are instances in Banffshire of another Commissioner presiding, though the Convener was present.

In addition to the members of the Scots Privy Council and the Senators of the College of Justice, the following were appointed by the act of 1667 Commissioners of Supply to apportion and collect the sum of £1150 4s. Scots monthly, allocated on the Shrifdome of Bamf<sup>1</sup>:—Earle of Finlater, Lord Bamff, Sir Alex<sup>r</sup>. W<sup>r</sup>quhart of Cromertie, Sir Patrick Ogilvie of Boynd, Sir James Baird of Auchmedden, Sir Alexander Abercrombie of Birkenboge, James Gordon of Rothemay, John Ogilvie of Kempcairne, Mr. John Abercrombie of Glashaugh, Mr. Walter Innes of Auchluncart, John Gordoun of Thorniebank, W<sup>m</sup>. Ro<sup>t</sup>sone of Newsead, Thomas Ogilvie, chamberlane to the Earle of Airlie.

As the land of Scotland liable for this supply was already under other public burdens, the statute of 1667 enacted that, with certain exceptions, the inhabitants of the various shires should pay a graduated poll tax for the relief of the heritors paying the land tax then imposed. Gentlemen and their families were to pay £6, tenants £4, tradesmen, cottars and servants 20 shillings, all Scots. This measure of relief, after being more than once resorted to again, in the reign of William III. developed into an independent poll tax for revenue purposes.

#### COMMISSIONERS OF SUPPLY, 1670.

A supply of £360,000 Scots voted to the crown on 9th August 1670 for five years was imposed on the valuation of 1667. The Commissioners for the shire of Bamff<sup>2</sup> were—The Marquess of Huntley, the Earle of Findlater, David Lord Ogilvie, the Master of Saltoun, Sr Patrick Ogilvy of Boyn, Andrew Watson of Pethhead, Sir Alex<sup>r</sup>.

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VII., pp. 543-4.

<sup>2</sup> Ibidem, Vol. VIII., pp. 221-9.

Abercrombie of Birkenboig, Sr James Baird of Achmedden, Sr Hary Guthrie of Kingedwaird, James Gordoun of Rothemay, John Gordoun yor. of Rothemay, John Ogilvie of Kempcairn, Walter Ogilvy of Ragwell, George Gordoun of Thornybank, Mr. John Abercrombie of Glassa, James Baird yor. of Achmadden, George Gordoun of Edinglassie, — Leslie of Kininvie, — Hay of Rannes, — Anderson of Westertoun, Alex<sup>r</sup>. Hay of Arinbath, Alex<sup>r</sup>. Ogilvy of Forglan, Alex<sup>r</sup>. Duff of Braco, Alex<sup>r</sup>. Gordoun of Arradoull, Alex<sup>r</sup>. Gairn of Troup, George Keith of Northfeild, John Innes of Edingeich, Mr. John Lesly of Tulloch, John Campbell of Friertoun, Alex<sup>r</sup>. Abernethie of Achincloich, Lauchlan M<sup>c</sup>intosh of —, William Leslie of Burdsbank, the Laird of Achmedden Shirreff Prin<sup>l</sup>. or his depute to be Conveener.

## LEADERS OF HORSE WITHIN THE SHIRE OF BANFF.

The following list<sup>1</sup> of leaders of horse within the shire of Banff, to be commanded by the laird of Philorth, younger,<sup>2</sup> will find later parallels in county administration, local Commissioners of Supply and of Militia dealing with these military matters within the county. The second minute of 6th January 1697, in the oldest extant county minute book, deals with a similar levy of Horse Militia. The date of this list seems within the years 1668 and 1685, probably between the years 1679 and 1681. Philorth, yr., became possessed of the superiority of Balvenie, Banffshire, in 1668, and the Marquess of Huntly became Duke of Gordon in 1685. Keith of Northfield was enrolled a freeholder in 1679, and George Gordon of Edinglassie was knighted in 1681:—

The Marques of Huntlye	-	-	-	3
The Earle off Marshall	-	-	-	2
The Earle of Airlie	-	-	-	2
Ladye Huntlye	-	-	-	2
The Earle of Findlater	-	-	-	5
The Earle of Aboynde	-	-	-	1
The Lord Banff	-	-	-	3
The Laird off Boynde	-	-	-	2
The Laird of Birkenboge	-	-	-	1
Johne Gordone off Auchyndachie	-	-	-	1
Walter Steuart of Boge	-	-	-	1
Alexr. Gordone of Auchintowll	-	-	-	1

<sup>1</sup> "Scottish Notes and Queries," 2nd Series, Vol. III., p. 184.

<sup>2</sup> See page 12.

Sr. James Baird of Auchmedden	-	-	I
Sr. Johnne Gordone of Park	-	-	I
Johnne Hay, Tutor of Rannas	-	-	I
Johnne Gordone of Buckie	-	-	I
George Gordone of Thornebank	-	-	I
Alexr. Gordone of Glengarock	-	-	I
James Gordone of Rothemey	-	-	I
The Laird of Philorth	-	-	I
Major Ogilvye	-	-	I
Adam Duff of Drumuir	-	-	I
Kinminetye younger	-	-	I
The Laird of Troup	-	-	I
The Laird of Pitlurge	-	-	I
George Gordone off Edinglassie	-	-	I
John Ogilvye of Milnetoune	-	-	I
George Keith of Northfield	-	-	I
The Laird of Kempcairne	-	-	I
John Leslye of Kininvye	-	-	I
Lady Park, elder	-	-	I
Lord Harie Gordone	-	-	I
James Andersone of Westertoune	-	-	I
James Ogilvye off Neitherdail	-	-	I
Summa	-	-	<hr/> 46 <hr/>

## COMMISSIONERS OF SUPPLY, 1685.

The first Parliament of James II. in 1685 voted an eight months cess yearly during the King's lifetime, amounting to £216,000 Scots; and new Commissioners of Supply were appointed in the various counties to order and uplift the same.<sup>1</sup> The Commissioners for the Sherriffdome of Bamff were:—The Duke of Gordon, the Earle of Airlie, the Earle of Finlator, the Lord Oliphant, the Lord Bamff, Sr. Patrick Ogilvie of Boyn, Sr. James Baird of Auchmedden, Sr. George Gordon of Edinglasse, the Laird of Troop, George Kieth of Northfield, Sr. Henry Guthry of Kinedward, — Grant of Denlugas, Walter Stuart of Bog, James Ogilvie of Poldavie [Baldavie], Thomas Ogilvie in Bogtoun, Alexander Hay of

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VIII., pp. 463-471.

Arnbath, Mr. John and Alexander Abercrombies elder and younger of Glassach, George Gordon of Thornybank, Patrick Gordon of Claisturum, Alexander Gordon of Glengerrack, John Ogilvie of Kempcairn, — Ogilvie younger of Kempcairn, — Innes of Edingeth, — of Kilmachlie, — Anderson younger of Westertoun, John Grant of Ballendalloch, the Laird of Park Gordon, Provost Stuart, Baillie Fife, Baillie John Gordon, the Laird of Grant, Patrick Grant of Elchies, Alexander Duff of Keithmore, John Gordon younger of Edinglassie, Alexander Duff of Braco, James Gordon of Camdell, Patrick Stuart of Tannachie, — Hay of Raneis, John Gordon of Baldornie, Francis<sup>1</sup> Gordon of Auchintoul, — Ogilvie of Cantly, John Gordon of Achinachie, John Gordon of Rothemay, John Gordon of Dallochie, the Duke of Gordon Conveener.

June 15, 1685.—Ordered<sup>2</sup> that the Sherif deputs for the tyme being heritors shall be Commissioners for the Supply, and one of the bailzies of the burghs royall within the shire, where the burgh pays cess with the shire.

In the absence of the Minutes themselves, which do not begin until 1696, correspondence regarding county administration contained in letters from the Seafield charter room at Cullen House from the year 1685 onwards may be of interest, as indicating the kind of county business then engaging attention, and the noblemen gentlemen and officials who undertook it.

Next letter shows that George Leslye of Burdsbank was county collector in 1685. When collated with letters of 1687 it shows that the Commissioners of Supply were moving against the Earl of Airlie, stepfather of the Duke of Gordon, to pay up as a cautioner a deficiency of his chamberlain, Thomas Ogilvie, Provost of Banff, presumably a collector of cess before Leslye. As a result of the deficiency a party was quartering on the shire.

ffor the Right Hono<sup>ll</sup>. Earle of ffindlater thes.

Banff, Sepr. 23—85.

MY LORD

As I promised in my Ladies letter I wrote last day, so now your Lop sall know that this morning I took occasione to waitt on my Lord Airly and kiss his hands, and wes all alon wt him ane pretty good space in his garden, q̄r wee had ane tuch of shyres effeirs. I find him, to tell your Lop the ingenuous truth, efter his old maner and way,

<sup>1</sup> Mistake for Alexander, see p. 87.

<sup>2</sup> The Acts of the Parliaments of Scotland, Vol. VIII., p. 661.

ffor delays, and sayes iff the Com̄rs be so pressing he hops they will giue him some breathing tyme to take cours in it; and I perceiue inclynes much to haue things staved off till Duke Gordon come down, and yet I apprehend he may expect little to be done that way, ffor he sayes he thinks Duke Gordon will doe much to pay his shair. I ffound he declynes the payt off the mōe dew to me advanced by the Com̄rs order, and I beleew iff he can will declyne all. This is ane short account off q̄t wes amongst us as to thes things. Iff I had been able to haue crost ane hors I wold haue waited on your Lop and told yow all mor particularly. It is wery flitt and necessary your Lop keep heir on ffryday, and iff yow keep nott all may goe wrong both as to yourself and others, who depends upon your Lop; and since ye wes att the last meiting your Lop is now concerned to be att the nixt meiting allso, till thes things be settled. He looks pretty weill. Its fitt your Los wold acquaint Thornibank to come in with yow, as allso the baylies off Cullen to appear ffor ther interest, [so that] the right manadgement off thes things wold be speedily ordered, lest ther should aryse thoughts in procureing ane call ffor remoweing the pairty. I am in all sincerity and duty,

My Lord,

Your Los. wery affec<sup>o</sup>nat and oblidged serwant,

GEO. LESLYE.

#### MEETING OF COUNTY JUSTICES OF PEACE, 31st DEC., 1685.

Next letter from the Sheriff Principal, Sir James Baird of Auchmedden, shows that a meeting of the County Justices of the Peace was held at Banff on 31st December 1685:—

ffor the Right Honourable the Earle of ffindlater thes.

Auchmedden the 25 Dec<sup>r</sup>. 1685.

MY LORD

I should be very willing to wait upon your Lop any where yee disine, but being preingaged to be at this place on thursday nixt befor night, and since find by your Lops letter, and be the acts of Parliment there will be a nessestie that there be sune Justies of Peace present, and that it is most convenient that they meet a Banffe, and therefor I disire your Lop may be pleasted to meet there, where I shall

attend your Lop ther the last instant, God willing, befor a eleaven a cloak, and shall call sume Justices of Peace to meet there, there being sume things to be dispatched there also that day, w<sup>ch</sup> your Lop will find neisessarie. I disire the meeting may be the sooner that what your Lop principally intends may be dispatched befor the meeting. Mr. Kerr may also com alongs and sume of the Justies of Peace out of ffordyce parish, such as your Lop thinks fit to call. So presenting my humble services to my Lady, I am,

My Lord,

Yor Lops most humble s[ervant]

JAMES BAIRD.

Writing<sup>1</sup> from Edinburgh on 27th May 1686, George Leslye informed Findlater that "There were 5 acts yesterday tucht by the sheptore, the act anent the summer sessione . . . and the act anent his Majesties supplie."

#### COMMISSIONERS OF SUPPLY, AND HIGHWAYS, 1686.

As county government evolved, the Commissioners of Supply, though primarily the authority for apportioning and collecting supply for the national government, had duties placed upon them in county administration which increased as time went on. Though not originally authorised to impose and collect the assessment limited to 10s. Scots on every £100 Scots of valued rent, which under the Highways Act of 1669 the Justices of the Peace of the county were authorised to impose annually on the first Tuesday of June on the heritors of the shire for the upkeep of the county roads and bridges, it is probable that such assessment, if any imposed in early times, was imposed and collected through the clerk and collector of the Commissioners of Supply. At any rate, under the statute of 1686, the Commissioners of Supply were conjoined with the Justices of the Peace as the county authorities for the management of roads.

#### THE DUKE OF GORDON AND COLLECTOR LESLYE.

The Convener of the Commissioners of Supply, the Duke of Gordon, as became a kinsman of the period, supported Airlie's dilatory pleas against the claims on him as cautioner for Collector Ogilvie; and tried to render as uncomfortable as possible the position of Collector Leslye, who had the thorough going support of the Earl of Findlater. That nobleman, though not frightened at the "griamase of a great man," was so hard up as to have to borrow a hundred

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 27-8.

merks from the collector before he could go about his affairs. Like most noblemen of the period the Earl of Findlater was chronically impecunious. At this time his son, James Ogilvie, a young advocate in Edinburgh, was endeavouring to cut through his father's pecuniary entanglements. Writing<sup>1</sup> on 5th January 1686, he says, "I doubt bot, if you so consider your condition, you will be diligent in endeavouring to provid money against the nixt terme. If you Lo. could assure us of money att the terme, I would immediately goe treat with all your creditors, for I find them worse to setle with then they wer the last year; and I am affraid they grou alwayes the longer the worse." There was then nothing scarcer than money in Scotland. Findlater's poverty is seen in his inability to pay the Government cess, and the quartering of troops on his estate in consequence, referred to in the collector's letters of 1st June 1687.

ffor George Leslie of Burdsbank  
the 29<sup>th</sup> of Sepr —686

#### HONORED CUSSING

I had ane full and warme debate with duke Gordon on your account. The particulars this letter can not contean, I commissioned Master Innes your minister to communicat to you, which I belive he hes don. I shall nou only say this, it wear fitt many of your friends wear advertised to keep the mitting wher they shall heave litle to doe but second me, for I shall not only debate with his Gr<sup>ce</sup>, butt doe all can be said is fitting for one that appears for his friend above board, and lett others aiether retract ther subscriptions or conceall ther frindship to you, min shall publictly appear, not being in the least to be frightned with the griamase of a great man. If ye thinke fitt to speake with me or the mitting, ye must doe it on Munday once in the day. I intreat you send me that hundereth merks ye promised, for till I gett it, I can not so much as goe about my ouen afaiers in this same countrie. So wishing all your friends to be als reall to you as I shall be, I shall add no mor but that I am

your reall and oblidged friend

FFINDLATER

24 Septer 86

annsred on this fer 100 merks to Andrew.

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 16.



## MEETING OF COMMISSIONERS OF SUPPLY, 1687.

ffor the Earle off ffindlatter these  
Banff 12 ffeby —87

MY LORD

I shall defeer much of our yesterdayes meeting to be told yow by Baylie Ord.<sup>1</sup> Howewer I found my selfe oblidged to nottice your Lops concerne and to owne your intrest. The two thousand pund is devyded amongst the fyftein Comissrs of the Excysse, wherof your Lops pairt is 200 merks, ffor which I have vndertaken in your name. They thought fitt to exeeme the [absents(?)] ffrom this of purpose, that all the rest might stick closs togidder to concurr for yr joynt releiff; and they have ordred me to direct the party vpon all the Comssrs who were absent, except such who have subscriyved the act. I purpose to wait on your Lop on Munday next, so till then and allwayes I am,

My Lord,

Your Lops werie affectionat and most humble srvant,  
GEO. LESLYE.

ffor the Earle of ffindlater these  
Banff 25 Merch —87

MY LORD

The present exegencie and circumstances of the Shyres affaires calls for ane meeting, whereof I am deseired to acquaint the Comissioners that they may punctuallie keep Tuesday next the 29<sup>th</sup> current be ten acloak, that inspectione may be taken of the shyres effairs, and of this I thought fitt to give your Lop nottice that ye may keep the forsd appoyntment; and as your presens is necessarie so it is lykwayes deseired by,

My Lord,

Your Lops werie affectionat and most humble srvant  
GEO. LESLYE.

MY LORD

Thes above are the draught off the publict letter I hawe giwen to the Com̄rs. Edenglassie<sup>2</sup> wreit to me yesterday to

<sup>1</sup> Ord of Findochty, Bailie of Cullen.

<sup>2</sup> Sir George Gordon of Edinglassie, Joint Sheriff Principal of Banffshire.

conveen the Com̄rs against Tuesday nixt, and feared he might be blamed ffor delaying so long, ffor I wrote to him something of your Lo<sup>s</sup>. opinion, and that things might have been delayed till Boynds northcomeing q̄ch he thought wes uncertein and dilatorious; so iff your Lop thought it convenient, I think it necessary ye keep the meeting; and however iff I can I sall labour to wait on your Lop tomorrow or Sunday prewious to the meeting, ffor truly I resolve to be on guard w̄t them all, and to be rady to clear accounts, but am as yet ignorant and knowes not weill q̄t to doe as to your Los concern, qch wold have done better if Boynd had been att home. I hawe w̄rn to my Lord Deskfoord and hes sent him Androw Thomsons letter to me with his owen account, all q̄ch I desyred might be communicat to your Lop by your sone.

ffor the Earle of ffindlater.

Banff ij May —87.

MY LORD

As I gave yow the trouble of ane lyne yesterday, so by James Baird I thought fitt to acquaint your Lop with Edinglassies returne to me which was and wreats, since the duke is not to be pnt<sup>t</sup> himselfe, he hes appoynted the meeting to be called to meet at this place Wedensday next the 18th current, and leaves it to myselfe and to take Boynds and Auchmeddens yr advyse whither I shall acquaint the Comiṣsrs only or Comiṣsrs and Hereturs; but I think the Comiṣsrs are sufficient. And seeing Boynd went to Buchan yesterday I have sent doune ane lyne to him and Auchmedden communicating the samen to them, and as I have ane anṣr from ym, so accordingly I am to ishue out the intimations wherwith your Lop shall be heirafter acquainted by,

My Lord,

Your Lop werie affectionat and most humble servant

GEO. LESLYE.

MY LORD

If your Lop ffortune to see my Lord Airly after recept of these, and chance to ffall on any discourse to this purpose, I think your Lop may tell him that its werie fitt that he keep the meeting, ffor I apprehend he may take jorney south befor ȳt tyme and befor the meeting. I think it is necessarie ȳt yor Lo. my Lo. Boynd and I meet at some place some day befor the meeting.

8 May —87.

MUCH HONORED

Since my Lord Airlie deseirs ane meeting of the shyre I know not how it can be reffused to call on when you please. But I wish that every on may get fair play. I know nothing of new from Edenborow saiff yt . . . . hes a lewtenandrie in Dunbartons regiment.

I am,

Your werie affectionat cussein and serwant

GORDONE.

ffor the Earle off ffindlater thes.

Banff i Junij —87.

MY LORD

I am exceedingly sory to give your Lop ane letter of this strain. Ye shall not have reason to question my duty or affectione towards your Lop, yet its als hard for me to suffer for my kyndnes. Your Lop knowes in what circumstances I now am, and most cleir with als I have yet kept your Lops name vnlisted to any pairty since I hade publict employment, but now pardon me I can fforbare no longer since I am so concerned, and I shall intreat that your Lop would speedellie order the payment of what ye rest to the publict, els certainly vpon ffryday next I most direct the pairty vpon your Lop and your lands; and if you please to comunicat to me such tenents as you think fitt I should name to the pairty, acquaint me yrwith, els vndoubtedly the pairty will come to your owne . This is contrarie to my inclinatione, but they say necessitie hes no law. I shall leave these to your consideration waiting your Lops returne, and I am,

My Lord,

Your Lops werie affectionat and most humble serwant

GEO. LESLYE.

## PROCESS AGAINST COLLECTOR OGILVIE'S CAUTIONERS.

The five next letters deal with the process instituted regarding Collector Ogilvie's deficiency and his cautioners' liability to the county therefor.

For the Earle of Findlater.

Edr July 1, 1687.

MY LORD

I received the honour of your Lo. letters which you sent with Burdsbank and Mr. Cuming, and did in obedience to your Lo. comands communicat them to my Lord Boyn, and it was both his opinion and mine that wee should not straitne Burdsbank att this time, and therfor I have taken from him ane thousand and seventeen pounds, and he is att my Lord Boyns northcoming and mine to hold compt to your Lo. for the superplus of the money, att which time my Lord Boyn and I will consider the article annent the deficiencie. Wee have presented ane petition to the Lords of the Thresurie creaving that their former act which ordered quartering uppon the cationers of Provest Ogilvie might be renewed. The petition will be presented this day, and your Lo. shal have ane accompt of what is done in it by the nixt occasion. . . .

I am,

My Lord,

Your Lo. most obedient sone and most humble servant

JA. OGILVIE.

ffor the Earle off ffindlater thes.

from Abd to Banff. 3d.

To the speciall care of Mr. Patrick Innes, Minister at Bamff. In haist.

Edr. July 2, —87.

MY LORD

Referring much to your sone Mr. James his rela<sup>o</sup>ne, I sall only out of duty giwe your Lop thes breifly, q<sup>r</sup>by ye may know I hawe deliwered to Mr. James your sone vpon your Lo<sup>s</sup> account 1017:10s. 08d. q<sup>ch</sup> is the just m<sup>o</sup>e ower your Lo<sup>s</sup> account to me, q<sup>r</sup>in ther are some articles delayed till all off us come north. The Shyres bussines is consulted, your sone and Mr. Geo. Banerman for the Com<sup>m</sup>rs, and Sir Dawid Thors and Colt<sup>t</sup> ffor the tuo ca<sup>u</sup>rs. Your sone and I hawe been thorow many off the Lords off Excheq<sup>r</sup>, who says they find the desyre of our bill rationall and just. My Lord Airly hes gotten it to an<sup>s</sup>r

<sup>t</sup> Sir Robert Colt and Mr. Banerman, Solicitors to his Majesty—Fountainhall's Chron. Notes, p. 230.

against the nixt Excheqr day q̄ch is ffryday nixt; so being in hast, the post going off, till ane other occasione this sall be all from,

My Lord,

Your Los wery affec<sup>o</sup>nat and oblidged serwant

GEO. LESLYE.

Park made ane strange clamour anent his quartering. Nothing would serwe bot I behoowed to be befor the Counsell. I shall be glad if it be so. Att meeting your Lop sall know qt freedom I used w<sup>t</sup> the Duke off Gordon, and yet wt deference to his qualitie. I wes just now wt the Register who is wery ciwill and kynd to me. The Generall had all most fforget he gawe any such warrand to Mr. Simson for not quartering on Airlys and Banff caūrs, so that hes been only ane complement and . . . bot ane other tyme will produce the ewent off yt effer; and so I bidd your Lop hartily fareweill: I giwe my humble duty to my Lady to my Lord Deskfoord, and to all your Los family.

For the Earle of Findlater

Abd. to Banf in all haste. 3d.

To the care of the Minister of Bamff.

Edr. July the 20th 1687.

MY LORD

. . . The Shires business befor the Lords of the Tresurie hes been called and the Duke of Hamiltoun was very friendly in it, for which your Lo. oues him thanks. Ther is nothing as yet done in it, bot by the nixt occasion your Lo. shal hear what is done. . . .

My Lord,

Your Lo. most obedient sone and most humble servant

JA. OGILVIE.

ffor The Earle off ffindlater thes.

With cair from Abd to Banff. 3<sup>d</sup>.

To the care of the Minister of Bamff.

Edr July 23:87.

MY LORD

. . . Our Excheqr bussines is not as yet discust. It hes been delayed ffor causs and considera<sup>o</sup>ns knowen to my Lord Boynd and to your

sone, q̄ch cannot be so fully committed to paper, only ther are desings ffor getting Airlys pairt payed by the Comī̄rs or countrey, and the other caūr will be left to act ffor himself, since he hes so disoblidged ffrinds heir. This is the most q̄rwith now I can trouble your Lop . . . . That Counsell bussines of Airlys att Parks instance is lyk to decay, and is dead. I giwe my harty service to your Lop, to my Lady, with all your noble family, and I am in all duty,

My Lord,

Your Los very affec<sup>o</sup>nat and most humble  
servant q̄ll I am

GEO. LESLYE.

ffor the Earle off ffindlater thes  
Banff Oct. 1 87.

MY LORD

Achmedden wreit to me yesternight to shew your Lop it wer fitt yourself and your sone Mr James keep the nixt meetting the 13 current, and he sall shew ane way how the caūrs sall be persewed ffor the Comī̄rs releiff. Till meetting your Lop sall not be troubled wt all the steps off our last ffrydays meetting. I am,

My Lord,

Your Los very affec<sup>o</sup>nat and most humble servant

GEO. LESLYE.

ffor the Earle off ffindlatter these  
Banff 12 Dēr —87.

MY LORD

By this bearer I have given yow this trouble and to tell your Lop that probablie yt in the end of this week or in the begining of the next I may send this same bearer ane express south again for the ffwrther cleiring of my effairs at the south hand, and to send south all my receipts and instructions, since I ffind that without prin<sup>l</sup> peapers they cannot be convinced of the veritie of matters; and after I spoke with Auchmeden accordingly I am to take up my ressolution, so that when I send yowr Lop shall have tymeous advertisment, in cace

ye have lērs to send. If I can I intend to be out and wait on yowr  
Lop once this week, q̄ch now is all ffrom,

My Lord,  
Your Lops werie affectionat and most  
humble serwant  
GEO. LESLYE.

LORD FINDLATER'S ARREARS OF CESS.

ffor George Syme srvitor to the Earle Findlater  
Banff 2i Agust 1688.

LOVEING FRIEND

I marvel that you delay yo<sup>r</sup> heir coming so long with my  
Lord ffindlater's cess ffor the last terme, since ther are very ffew in the  
haill shyre but have payed in; and I can not but impute it to yo<sup>r</sup> fault  
and neglect that it is so long aclearing, being I know my Lord is most  
willing it should be tymeuslie done. Ther is necessitie to have all in  
that is resting with all possible speed, ffor peying the publick and  
preveening the hazard off a pairtie. I thought therfor ffit to acquaint  
you to haste you heir with that which is resting preceeding Whitsonday  
last being 49 lib 6s and 10d, and with the haill Whitsondayes terme be  
itselff, being 183:14:8. So expecting to see you shortlie heir with  
both, I am

Yo<sup>r</sup> assured ffreind  
JO. ANDREW.

COMMISSIONERS OF SUPPLY, 1689.

On 27th April 1689, the Convention Parliament, summoned by the  
Prince of Orange, voted four months' supply, and the following  
Commissioners were appointed for Banffshire,<sup>1</sup> the active Jacobites and  
known Roman Catholics included amongst the Commissioners appointed  
in 1685, being omitted:—

The Earle of Airlie, the Earle of ffinlater, Sr. Patrick Ogilvie of  
Boyne, Sr. James Baird of Auchmedden, Sr. George Gordon of Edin-  
glassie, the Laird of Troup, George Keith of Northfield, — Grant of  
Denlugus, Walter Stewart of Boig, James Ogilvie of Baldavie,  
Thomas Ogilvie in Boigtoun, Alexander Hay of Arnbath, Mr. John  
and Alexander Abercrombies elder and yr. of Glassach, John Ogilvie  
of Kempcairn, — Ogilvie, yr. of Kempcairn, Thomas Gordoun of

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX., pp. 73-4.

Cranach, — Innes of Edingeith, — Stewart of Kilmach[lie], — Anderson yr. of Westertoune, the Laird of Park Gordoune, Provest Stewart, Bailzie John Gordoun, the Laird of Grant, Patrick Grant of Elchies, Alexr. Duff of Braco, Alexander Duff of Keithmore, Patrick Stewart of Tanachie, — Hay of Raneis, — Ogilvie of Cantly, Alexander Gordoun of Auchynachie, and John Gordon of Dallowchy. These were instructed to meet on 14th May to impose the cess and to name a "Conveener." To judge from the correspondence following and the first minute of the Commissioners of Supply in 1696, the Earl of Findlater was from this date onwards Convener.

#### MILITIA LEVIES IN BANFFSHIRE, 1689.

The excursions and alarms of the Revolution in Banffshire have been so far alluded to in Chapter I. In view of Dundee's rising in the north for King James, the Convention Parliament on 18th April 1689 passed an act for a levy of five hundred horsemen in Scotland; forty-four being apportioned to Banffshire and Erroll's part of Aberdeenshire. This quota was on 22nd April put under the command of the Master of Forbes. The following letter from George Leslye, Sheriff Clerk of Banffshire, who about this period ceased for a time to be County Collector,<sup>1</sup> details part of the procedure taken in Banffshire in connexion with the levy. Major Hugh Buntein of Kilbryde, Ayrshire, was muster master of the whole Scotch levy:—

ffor the Earle of Findlater thes.<sup>2</sup>

MY LORD,—I have received ane act from the Conventione of Estates, wheirby I am ordoured to give advertisement to all the Comssrs of militia and outputters of horse theiirto within this shyre to meete att Banff upon Thursday nixt the 2d of May for outreicking the ffourth horse of the ordinar militia, and that they be ready to be presented heir agt the 9th of the sd month with ten dayes provision to Major Bountin or any whom he shall appoint, the horse being att the raite of ten pounds sterling and the armes and equipage att ffive pounds. This, as is appointed me, is intimate to your Lo. by,

My Lord,

Your Lo most humble servant

GEO. LESLYE.

Banff 26 Aprile 89.

<sup>1</sup> See Letters of 8th May, 1691, 14th January and 26th August, 1693, pp. 162-3, 165-7.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 48-9.



On 30th April 1689 the Committee of Convention issued a commission<sup>1</sup> to the Earl of Findlater and to Sir George Gordon of Edinglassie, conjunct Sheriff Principal of Banffshire, to call together the fencible men of the county, and to take orders from King William's commander-in-chief in Scotland, Major General Mackay of Scourie.

On 1st August 1689, after Dundee had by Highland shock tactics driven Mackay to headlong flight at Killiecrankie, Parliament authorised the Privy Council to call out all the heritors and fencible men within Scotland with their best horses and arms and forty days' provisions. On 3rd August James Ogilvie sent his father the following directions about the command in Banffshire. The letter of 7th August from John Innes, laird of Edingight, seemingly refers to this levy ordered on 1st August:—

Edr. August 3d. 1689.

MY LORD,<sup>2</sup>—I received your Lo. leter with one inclosed for General Major McKay, bot he being with the army, I could not get his letter delivered to him. I therefore went to the Commissioner,<sup>3</sup> and did read to him both the Generals letter and mine, and did hold out to him the steat and condition of the shire; bot in respect that Edenglassie hes shouen himselfe so forward from the begining of this revolution, it is the Duks opinion that your Lo. doe not trouble your selfe with the command of any part of the shir, bot you may doe it or not as you find convenient for your selfe and your freinds; bot as for what you have done the Duke hes promised that neither you nor the gentrie you had under your Lo. command shal sustain any prajudice. I am confident you have all been much alarumed with the accompt of the feight att Gillechranke. . . .

JA. OGILVIE.

ffor the Earll off ffindlater thes ar in heast.

Graing 7 Agust 1689.

MY LORD,<sup>4</sup>—I have sent your Lo. the inclosed intimatione which is sent be the shereif and was intimat at the church this day, to let your Lo. consider it, and yt wee within this paries may know your Lo. mynd what way wee shal behave. Wee being within your Lo. division all of

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX., Appendix, p. 2.

<sup>2</sup> Seafeld Correspondence (Scot. Hist. Socy.), pp. 50-1.

<sup>3</sup> William, Duke of Hamilton.

<sup>4</sup> Seafeld Correspondence (Scot. Hist. Socy.), pp. 51-2.

us resolvys to wait upon your Lo. command. The heritor[s] desyrd me to send this expres to your Lo.; so what command you put upon us shal be obeyed. . . .  
JO INNES.

#### COMMISSIONERS OF SUPPLY, 1690.

The Commissioners of Supply for the county appointed on 7th June 1690, were<sup>1</sup> :—

The Earle of Marishall, the Earle of Airly, the Earle of findlator, the Lord Keith, Sir Patrick Ogilvie of Boyne, Sir James Ogilvie of Churchill, the Laird of Grant, the Laird of Boyne, Sir James Baird of Auchmeddin, Sir George Gordone or Edinglassie, Sir John Gordone of Parke, Mr. Patrick Ogilvie of Pittenbrinning, Sir James Abercrombie of Birkenboge, John Ogilvie of Kempcarne, Mr. John Abercrombie of Glassach, William Dunbar of Durne, — Abercrombie of Skeith, Alexander Duff of Bracco, — Gairden of Troupe, John Ramsay of Melrose, Mr. William Josse of Collenward, James Ogilvie of Baldavie, Alex<sup>r</sup>. Hay of Arn bath, Alex<sup>r</sup>. Ogilvie of Forglane, Thomas Gordon of Cranach, chamberland to the Duke of Gordone, — Gregorie of Kinairdie, Alexander Duff of Keithmoir, Mr. Thomas Law of Newtowne, James Leslie of Kininvie, Walter Grant of Erdendillie, Alex<sup>r</sup>. Duff of Drummuire, John Innes elder of Edingicht, — Sutherland of Kinminitie, Alex<sup>r</sup>. Gordone of Birkenburne, — Gordon of Achynachie, Patrick Duff, chamberland to the Duke of Gordon, Mr. John Leslie of Tulloch, William Bayllie, chamberland to the Laird of Grant, — Stewart of Kilmachlie, John Andersone of Westertoune and George Leslie of Burdsbank.

#### JAMES COCK, COUNTY COLLECTOR.

Next letter shows James Cock, Town Clerk of Banff, established as County Collector in place of George Leslye of Burdsbank. The letter gives the usual intimation of these times that a party of soldiers was quartered on the county for arrears of cess.

ffor the Earle off findlater these.

Banff 8 May 91.

MY LORD

There haveing come heir yeisternight ane partie off twentie four ffoot souldiers and ane commander with ane order from Mr. Osswald and Dunlop Gen<sup>l</sup> Receavers to quarter one the Comissioners off Suplie and ther Collector wntill pay<sup>t</sup> be maid of what is

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX., p. 145.

resting by the said shyre, which is a werye gen<sup>ll</sup> order not condiscending one what terme, ffor how much or by whome, so that it is the oppinione of some of the Comissioners heir that ane meeting be called of the Comissioners to keep at Banff one Wednesday next the thirteenth instant for staiteing accounts with ther Collectors, that they may find out one whom the said rest is and by whom dew, and ther after take such effectuall methods as not to suffer them selffs and the countrie to be oppressed as hither too hes been done, I have ther for given yow this advertisement, that accordinglye yee keep the meeting, which is all from,

My Lord,

Your humble srvant

JA Cock.

EXCISE TAX FROM BREWERS.

George Leslye of Burdsbank, writer of next letter, was at this time Collector of Excise for the County.<sup>1</sup> He threatens to exact tax from brewers whether they brew or not.

ffor James Lawtie of Tochieneill to be comunicate to  
Baillie Ord in Cullen thes.<sup>2</sup>

Banff 2d ffebruary : 92.

Sr,—I received your letter yesternight and Baillie Ords this day, and am not satisfied with either of your lērs, though I cannot but confess both of your selfs are fair as to your owen pairts, and thinks yee have done verie fairlie in offering to others what yee did ; and since they are so obstinate and ignorant as not to comply with favours offered to them, lett them be at there hazard, and for there contumacie and contempt for lying drey, doe me the favour to shew ane and all of them that they may be assured I shall be even with them, and upon there expenses. Continue on your selfs. Yee shall find all the favour [in] my power. And for these who have proven contumacious, they may be perswaded they shall pay drey excyse att the highest rate, whither they brew or not. This tell them from me, and they shall never find me where they left me ; and if the pairty which I have here from Bellendallach were not allreadie ingaged and imployed otherwayes and

<sup>1</sup> See p. 166.

<sup>2</sup> Seafeld Correspondence (Scot. Hist. Socy.), pp. 76-7.

upon some other persons, they should have imediatelie have bein sent to Cullen, ffor I see that people are so daft that I must give them some divertisment. All these I leave to your owen caire, and desyres that with my ffathers man who comes to Boyndie to me on Thursday nixt ye lett me have your return of this from him, and ane list of these who intends to ley drey . . . . .

GEO. LESLYE.

#### QUARTERING ON COUNTY FOR ARREARS OF CESS, 1692.

The Town Clerk of Banff and County Collector gives in next two letters an account of young Boyne's first essay in Jacobite intrigue, and of the recurrent quartering on the county for arrears of cess.

ffor the Right Hon<sup>ll</sup> St. James Ogilwie off Churchhill these.<sup>1</sup>

Banff 3 October 92.

Right Hon<sup>ll</sup>,—There is ane great pairtie come heir yeasternight off Collonell Buchans regiement, consisteing of ane captaine lyvetenent ensigne sēall subalterns cadies and 60 sentinells, who have something in hand besyde the cess, there being noe more resteing but this last Lambas terme, being 2875 lbs. 10s; and it wes never heard in this shyre that ane pairtie wes soe soone emitted, there being noe preceidings resteing. The captaine off the pairtie went out this night, by wirtue of ane warrand ffrom the Councill, with 24 men to apprehend your ffrend young Boyne; but I presume unles he be werie unffortunat he is out of the way, being fforwarned. This your Ho. may keep to your selfe. And now I have sent your account of resteing cess to you, q̄ch must be heir this night preceislye, vyṛwayes I cannot exeem the lands from ane pairtie. Your Ho. will send the wholle sūme required; ffor your Ho will ffind the 100 lbs. peyt by the dails sent, and 29 lbs. dew by my Lord your ffather. This is peremptor, so that your Ho. will excuse this ffreedome ffrom,

Right Hon<sup>ll</sup>, your Ho. humble srvant

JA. COCK.

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 92-3.

ffor Sr James Ogilvie off Church hill these.

RIGHT HONLL

Bamff 4 October 92.

I have received Candlemas cess last and given receipt yrone. As ffor the daills your Ho. is weydlly mistaken in the number, qras yee call them 150 being but . . . the sellers receipt amounting to 83 lbs 14 ss as ye will see by the inclosed note bey my hand, so that if your Ho. pleases to allow that receipt of your Ho. ffaithers yee will be debtor to me in 12 lbs 14 ss scots. As ffor y<sup>t</sup> 100 lbs last imposed, I spoke to Boyne on it my selfe, who will tell yow his thoughts yrof, ffor it will not make wp what I have debursed by order on the shyres account. Besyde the lands off Ballgornie (?) are waled at 800 lbs ster. qch I newer received ane ffarthing since my entrie and cannot pairtie one ym, they haveing ane warrand ffrom the Councill prohibiting the samen. I am sorie I cannot comply with your desyre in granteing the fforbearance required, so that it were fitt your Ho. sent in the mōe this night or to morrows morneing, ffor yee shall not want pairties ffor bringing the samen in againe to your hands; ffor the bearer can infforme you how I am used with the comandars of the pairtie, who will have the money hail sail this night or to morrow morneing tymely or ffull lists off defficents equivalent to this last terms supplie, qch, if the heritors wold pay pleasantly, should not be long resteing. The pairtie that went out last night, as I told your Ho., is returned. I wish God that bussines were done away, and that your Ho. were at Edr. To your anssr I am,

Right Hon<sup>ll</sup>,

Your Ho. werie humble ssrvant

JA. COCK.

#### THE COUNTY COLLECTORSHIP, 1693.

Whether it was the Duke of Gordon's influence that excluded Burdsbank from being County Collector of Supply or not, next letter shows that Sir James Ogilvie and the Laird of Grant were taking measures in January 1693 to reinstate him.

For the Earle of ffindlater.

MY LORD

Edr. 14 Jary 1693.

Your Lop knowes that ther ware verie few of our Comissioners present when James Cock was elected Collector, and that as yet

he hes not found cautione, and therfor it is verie inconvenient and dangerous for us who are Comissioners to suffer him to continu any longer to be our Collector, seing, if he imbasile the publict money, we are lyable for payment thereof to the King. Besyds we have the experience that he hes no interest with the receavers, and that therfor everie terme the shyre is harassed with pairties, and particularlie at Lambes last the shyre was qwartered upon by ane wholl and inteir companie, albeit conforme to what was resting by the shyre the pairtie should not have exceidit thretein. We therfor intreat that your Lop will apoint ane meiting and convey the Comissioners, and in the intimationes to intimat that the meiting is for choyseing ane Collector, and we doe heirby give our votes for Burdsbank who is Collector of the Excyse, and who we know hes interest heir with the receavers; but it is fitt that he give sufficient cautione at his electione. This we think will be conduceable for the interest of the shyre, and which is all the present truble from,

My Lord,

Your Lops most faithfull and humble servants

JA. OGILVIE.

LUDOUICK GRANTT.

JAMES BASKEN, CLERK OF SUPPLY, 1693.

Next letter shows that Captain James Basken, County Collector in 1653, was Clerk of Supply in 1693:—

For the Earle of Findlater thes are.

Banffe July 3d —693.

MY NOBLE LORD

I have taken the freedome to put yo<sup>r</sup> Lo in mynd that the Lambes terme for payment of the suplie is approaching, and therfor I desyre to know if I shall send forth advertisements, or if ther be any thing to be added or deminished of what was payd last. Yo<sup>r</sup> Lo will have occasion of persons coming heir to morrow, at w<sup>ch</sup> tyme I will expect yo<sup>r</sup> comandis, w<sup>ch</sup> shal be readily obeyd by him who (without reserve) is,

My Noble Lord,

Yo<sup>r</sup> Los most obedient servant

J. BASKEN.

## CLAIM ON JAMES COCK OF ARREARS OF QUARTERING.

To Sr James Ogilvie ther Matie Solicitor at Cullen.

Peiterhead Agust 26th 1693.

Sr

Ther is ane old accompt q̄ch hath lyen ower thess three or four yeirs betuixt one Mr. Trotter who was a corporall of myne then, and James Cock Colector for the shyre of Bamf q̄ch would be too tedious to trouble yow with in a letter, but the bearer can informe yow of it sufficiently, who was then upon that party with Mr. Trotter, and is now a sergant in my troop of dragoones. My qwartermasters not receaving up the receapts when the qwarterns were payed was the occassion of Mr. Trotters not delyvering up the precept and receaveing his qwarterns money due to him, q̄ch had bein absolutely forgot, if Mr. Cock had not bein so kynd to have applyed to the Theasurie without acquainting me in the least and receaved 34 lbs Scots of my arriers. Though I think I have sufficient grownd to order qwarterns yet hearing that yow are upon the place I choosed rather to refer it absolutely to your self, hoping that ye will see both my troop and the toune of Bamf have satisfaction of Mr. Cock. I shall add no more but my service to my Lord and the whole familly, and that I am,

Sr,

your most humble servant

PATR HUME.

## COUNTY PROVISION OF FORAGE ETC. FOR ARMY.

The two next letters detail the questionable methods resorted to by the Commissary General of Scotland to provide forage and provisions for the Scots army and the measures taken for their redress. The County Commissioners of Supply had duties in connexion with the procedure, and the letters are given on that account. The attempt to square Sir James Ogilvie, if he got the Commissioners to agree to the proposals made, is interesting as an ordinary feature of the period.

For the Right Honorable Sr James Ogilvie of Church-hill  
ther Maties Solicitar.<sup>1</sup>

Right Honorable,—Beeing this day in company w<sup>t</sup> W<sup>m</sup> Livingstone, who is comissary appoynted ffor furnishing the dragouns corn and strae

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 122-4.

ffor ther horses, I understand that some troupes are lyk to ly in your shyre, and I beleive my brother as on of his deputs will be sent ther to order the magazins. Thos that have been ffurnishing v̄yr magazins have great dificulty in getting them made up; some beeing unwilling to sell althoe vpon ready money, and v̄yrs who will sell will not cary the corn and strae to the magazin, becaus ther is 32 ston of strae to be provyded ffor each boll of corn, q̄ch hes occasioned some complaints (both on the souldiers part and the countries) to the Counsell, who have ordered letters to be direct to all the shyres recomending to the Shiriffs to nottice that the provisione to the fforces be sold at the current rates, and (if any refuse) to give acco<sup>t</sup> of the recusants to the Counsell. But its thought that this will be still uneasie; and therfor the comissarie is to use the indeavors in the severall shyres wher the troups lyes to get the gentlemen to condescend to a voluntar localetie. This is already done in Merns, and I beleiv will be thorowed in the shyre of Aberdeen; ffor they considering that troups will ly ther and that they must be ffurnished, they think it mor equall to consent that each should bear a part of the burden, then that those nixt adjacent to thos places wher troups may be quartered should bear the wholl, ffor no doubt wher provision is it must be sold at adequat pryces. And as to the cariage, albeit they knew that they wer not oblidge to cary, yet they considered that, if the souldiers should cary y<sup>r</sup> own fforage ffrom the place it wes bought at, they might oppress ther teñnts w<sup>t</sup> great measure of oats and greater quanteties of straw then is allowed, and albeit the oats and strae wold be payed by the commissarie, yet they might fforce ther dyet gratis, and evin mak the teñnts glad not to complein. So they rather thought convenient that ther teñnts should cary eight or ten myles to each magazin, and receive ther pay<sup>t</sup> ffrom the comissarie deput vpon delivery, then to have anything to doe with the souldiers. As this will be a great ease and advantage to the comissarie, so it will be little trouble to the countrie. And if this could be thorowed in your shyre of Bamff, Mr. Livingstoun wold use all his indeavors that your interest should be als ffree as posible. Sr, he is convinced this is in your power, and your influence on the comissioners and interest in the shyre will cary any thing that will not wrong them. He tells me ther may be two troups only ther; but if the shyre consent to a localetie they must cast on als much mor



as serve transient quarters, q̄ch surplus may be applyed ffor releiff of your interest if the tēnts think a trouble to cary. As ffor the pryce it will be payed immediately vpon recept at the rate the comissioners settis vpon it, q̄ch in Merns is 4 lb ffor each boll of corn and 32 ston of strae conform, q̄ch is verie cheap. Hovever he will pay such reasonable rates as the comissioners in your shyre will appoynt. And in respect yow will be both at trouble and expence in calling and attending thes meetings of comissioners, that may meet theranent, Mr. Livingstoune is resolved (if the localetie be thorowed) not only to ease your interest all he can (in case they think it a trouble), but will give yow any gelding yow ffancie to the value of twenty guineys, and tho yow ffancie on worth ffyve mor he will not complean, but will think all verie weell bestow'd. Mr. Livingstoune is a ffreind of the Major Generalls, and a verie good ffreend of myn; and what ffavor and kyndness ye show him in this affair will oblidg him to a suteable resentment. I humbly beg pardone ffor useing this ffredome, but the many obligations I still meet with on all occasions imboldens me to mak addresses ffor my ffreends, q̄ch I presum will not be misconstrued, seeing it is ffrom on who will be ever bound to acknowledg himself, Right Hono<sup>ll</sup>, your most oblidged and humble serv<sup>t</sup>

WM BLACK.

Edr., 8th Septer 1693.

Sr,—If thes can be done, I intreat ane acco<sup>t</sup> by the nixt, becaus ther must be provisione laid in befor the troups march; and if ye could gett the shyre oblidged to cary to any place (tho without the shyre) at ten myls distence, it wold be som advantage, becaus perhaps half a troupe may ly at Turreff, q̄ch I judg is in Abd shyre.

For Sir James Ogilvie, Advocat, their Maties Solicitor and  
Shirreff Deput<sup>e</sup> of Bamff-shire these.<sup>2</sup>

Edr 15th Decemr: 1693.

Sir,—Whereas their Maties for the good and ease of their subjects have authorized us, and wee have agreed with a comissary generall, who is oblidged to provyde all their Maties horse and dragoones both in locall and transient quarters with grass straw and oats upon the terms and allowances contained in that contract, yet his Matie being informed that in many places the comissary and his deputes had not

<sup>1</sup> Mistake for Sheriff Principal.<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 128-9.

made provisions accordingly, bot that the former abuses still continued, by the troopes being quartered upon the country and demanding localities and provisions to be caryed to them, which his Matie is firmly resolved to have redressed: Therefore he hath comanded us to enquire into the matter, and to obleidge the comissary and his partners to the punctuall performance of their dueties by registrateing of their contract and exacting the penalty, and that wee see reparation made to the country, where they have suffered by being obleidged to furnish or cary, or where they have not received payment for what they furnished. Therefore wee desire that with all convenient diligence (after receipt of this) yow may convene the comissioners of supply of yo<sup>r</sup> shire, and communicat this our letter to them, that we may know from them and yow, how the troopes have been quartered in yo<sup>r</sup> shire, since our contract with S<sup>r</sup> Alex<sup>r</sup>. Bruce of Broomhall (which wes in May last) have been provyded, and in what manner it is done at present; that in caice the comissaries have failed in their parts, or that punctuall payment hes not been made to any of yo<sup>r</sup> shire, who have suffered by haveing souldiers quartered on them, or they obleidged to provyde or cary straw or oats, or who have not received payment therefore. This being of so universall good to the nation, and consequently to yo<sup>r</sup> shire in particular, wee doubt not bot that both the comissioners of the supply and yow will take care to return us a full and speedy account of this matter. Wee are yo<sup>r</sup> affectionat ffreinds

TWEEDALE Cancel.

LINLITHGOW.

RAITH.

Endorsed 15 Decr. 1693. Letter written by the Cōmssrs of the Thesrie anent the Cōmssrs of the arme.

#### FOOT LEVY, 1693.

On 23rd May 1693, Parliament sanctioned a levy of 2979 foot soldiers. There was much difficulty in raising the quotas in the various counties, as the letters of 9th January and 4th May, both 1694, show. Mr. Grant,<sup>1</sup> mentioned by the laird of Troup, was Mr. Alexander Grant, Sheriff Clerk of Elgin, and about this time tacksman of the Excise in Banffshire and the north. James Steuart of Coltness was Lord Advocate of Scotland.

<sup>1</sup> See Note, page 59.

For the Earl of Findlater

Bamff Jary 9 1694.

MY LORD

Just as I wes taking horss heer, the bearer cam from Troup to me shewing that . . . my goodfay<sup>r</sup> ues desyrus I should see him w<sup>t</sup> all speed I could, he being to stay at Troup till my return, and that he ues stratned u<sup>t</sup> tym. But altho the effair I hav u<sup>t</sup> him be prettie considerable I wold hav waited on your Lo this day, but it will be to no purpose, for I understood at Bamff that this days meeting is sualled up in that q<sup>ch</sup> the Councell hath apoynted the 3<sup>d</sup> Tusday of this inst for the entriy of the foot levie; however if I had not been called back I wold this day hav givn your Lo accompt how uneffectuall my last days atendanc at Bamff ues, and hav givn your Lo the stated accompt tuixt the shyre and Mr Grant<sup>1</sup>; for I wold desyr to receiv your Lo commands, not onlie in that but anie thing else of the publict concern of the shyre that I hav anie shadow of intermeddling in. Thus ceasing to giv your Lo anie further trouble at present, I giv my most heartie servic to your Lo and all your nobl familie, and humbly begs your Lo pardon, I could not attend the apoyntment this day.

I am,

My Lord,

Your Lordships most obedient and humble serv<sup>t</sup>

ALEXR GAIRDNE.

For the Shirriff Deputs of Banff or to the Shirriff Clerk or his Deputs, for ther Majesties special service, Banff.<sup>2</sup>

Edr 4 May 1694.

MUCH HONOURED

There was sent to you befor by the Councils order a letter from me containing what they ordered anent the bringing up of deficients in the late levie to Stirlin upon ye eight instant, and to Glasgow on the tuentie-fourth of Aprile last. What performance will be made at Stirlin cannot be known till ye day pass. But least it be not better then that at Glasgow, and to correct what was wanting there, these are to desyre you to send a particular list of the men delivered in your shyre, and to whom, as also a particular list of the deficients, I

<sup>1</sup> See Note, page 59.<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 145.

mean of the number of men and of the names of the heritors deficient, and that you doe your outmost to have the deficientes sent up to the forsd places, and to the commanding officers there readie to receive them. And this account is demanded that it may be compared with the officers lists, and that such as are still wilfullie deficient may be duellie compelled, as they may expect to be with all rigor. And this being so necessary for the publick service your answer is expected without faill, for if ye failzie y<sup>r</sup>in, you and the heritors concerned may receive a more preumptorie charge, which will not be so satisfieing either to you or to, Sir, Your most humble servant,

JA. STEUART.

This letter being sent to all the Shirriffs of Scotland, pray fail not to send a recept y<sup>r</sup>of by the bearer.

MEETING OF THE SHIRE, 14TH JANUARY, 1695.

For the Rgt Ho<sup>ll</sup> the Earl of Findlater

Troup Jary 14 1695.

MY LORD

The advertisment of this dayes meeting of the shyr is so short that its impossible I could shift my self horses to attend it, having tuo of my ryding horses at Abdn; uherfor I humble beg your Lo excus me. I hav sent an exact list, q<sup>ch</sup> I will be ansurabl for, of all resting my land, and som oysr w<sup>in</sup> the parochion of Gamrie. To my land ther is tuentie four bols and an half, Melross fyv bols, and Gogars pairt of Doun four bols on firlo<sup>t</sup> on peck, in all 33 bols 3 fir 1 peck. The particulars wil verie plainlie apear by the list itself, q<sup>ch</sup> I intreat your Lo be pleased to cause look upon, if anie thing effectuall be doeing. I earnestlie beg your Lo pardon for this trouble. I am,

My Lord,

Your Lo most humbl and obliged ser

ALEXR GAIRDNE.

THE COUNTESS MARISCHAL AND OTHERS AND THE COLLECTORS  
OF EXCISE FROM BREWERS.

George, eighth Earl Marischal,<sup>1</sup> who died towards the end of March 1694, was succeeded by William, ninth Earl, who c. 1690 married

<sup>1</sup> Seafeld Correspondence (Scot. Hist. Socy.), p. 133.

Marie Drummond, eldest daughter of James fourth Earl of Perth. An ardent Jacobite and poet, who wrote the pathetic yet exultant song of "The King comes o'er the water," she ruled her husband and moulded the lives of her two sons, who were attainted after the Fifteen, the last Earl Marischal who headed the ill-starred Glenshiel rising in 1719, and Field Marshal James Keith, soldier of fortune, who fell in the Prussian service on the stricken field of Hochkirchen, far from bonnie Inverugie. Next letter shows that Lady Marischal could check abuses and look after the interests of her husband's tenants. Three letters following thereon also criticise and deal with the procedure of the Collectors of Excise and the County Commissioners animadverted on by the Countess Marischal:—

For the Right Honourable the Earle off Findlater this.

Inverugie March iith 1695.

MY LORD

I am necessitate to trouble your Lo. in behalfe of some of my servants brewers in the parochine of St. Fergus, who are very unjustlie used be the tacksmen of the additionall excyse and there deputs, who as I am informed decline to adhere to what paction they alreadie made with the brewers for the tymes past and to come dureing there tackes, and lykewayes reject the discharges formerlie given them, which I hope your Lo will obleidge the Commissioners of the Shair to notice and redress, that my people be not wronged beyond others who are in there circumstances, and it will be a favour done to,

My Lord,

Your Lo<sup>s</sup>. most humble servant and affectionat cussine,

MARIE MARISCHALL.

For the Earle off Findlater these.

MY LORD

In the Laird of Grant his absence, I have presumed to sollicit yo Lo anent the bearer hereof Alex<sup>r</sup> Muggach his tenent who is ane brewer, and injured by the Collectors of Excyse (as himself will inform). Therefor I humblie intreat y<sup>o</sup> Lops favor herein, which shall be sincerely represented to Grant by,

My Lord,

Your Lops most oblidedged and obsequious servant

Achmades<sup>2</sup> 19 March 1695.

WILL BAILZIE.<sup>1</sup>

<sup>1</sup> Chamberlain to the Laird of Grant.

<sup>2</sup> In Boharm Parish. See page 99.

ffor the Earle of findlater these.

MY LORD

I understand sinc I cam heir that John Grant hes granted som tacks and made collections after his commission was dischairged. As for the granting of tacks yr is noe sutch pouer given him; and the pouer of collection was to him and Allan Gaudie conjunctlie not separatlie, so that he had noe pouer without his conjunct, and I cannot oun anie thing he hes done fraudulentlie, yet I am willing to allow all the money was payed to him by anie of the breuars, but if he granted discharges upon receipt of the half or third prt of the quota reallie dew, I hop law nor reason will obleidg me and my prtners to that losse. And now the shyr being in nonentrie, I am willing to make noe further use of it then that every bruer reallie pay acording to his quota from the beginning, allowing what is alreadie payed. And I humblie desyr your Lo concurrance to Peter Sanders that the breuars may not ocasion trouble to ymselvs by quartering, q̄ch he is ordered to doe if they be refractorie to that q̄ch is both fair and just on the mater. The burden is heavie, but wee that collect it cannot bear the blame. I beg your Lo pardon for this trouble, and am,

My Lord,

Your Lo most humble serv<sup>t</sup>

AD GORDON.

25 Febr 1695

ffor the Earle of finlater these.

MY LORD

My pairtners and I are informed of hard usadg uee have mett w<sup>t</sup> in Bamff shyre. Wee never proposed to seek from the breuers ther, but as uee sought and gott through the wholl kyngdom. Att our first entrie Kelburn and I took out dects. of nonentrie sub<sup>d</sup> be ourselvs and Comissioners agt the wholl shyr, and apoynted Jo<sup>n</sup> Grant and Allan Gaudie to collect and dischairg (cōnlie but not severallie) in how far they would receave, and to give onlie receipts till acompt, q̄ch they observed. When I returned again to the shyr, I took out dects. of nonentrie, and upon informa<sup>o</sup>ne of John Grant his unfittnes for that imploy<sup>t</sup> uee recalled after the collection of the first fyve month Allan Gaudie that ther comission my<sup>t</sup> end, and sent for Jo<sup>n</sup> Grant south, who in his way did collect ane quarter, and to facilitat his collection (knowing

he had noe pouer be himself) he discharges most of all the breuars, and gave tacks to severalls. Our directions uere to collect as mutch as the oyr excyse, but his dischairges and tacks are given for the on half, and to som for the 3d p̄t. The breuars uere cheating Jo<sup>n</sup> Grant, and he cheated them; becaus he had noe ry<sup>t</sup> to collect. As the old proverb, the greedie and the false uere ueil mett, for his comission is evidence enough that he never had pouer be himself to collect or att all. Neyr he nor his conjunct could grant tacks or dischairg but what they receaved in wholl or in pairt conform to ther commission. And sinc that tyme Baillie Sanders hes recovered dects. of nonentrie sub<sup>d</sup> be Comissioners for a wholl yeir, from Febr. 94 till Febr. 95, and uee never designed to make anie further use of our dects. of nonentrie but the pay<sup>t</sup> of the quota of the shyr, and recover the tacks uere putt on us by Birdsbank and Jo<sup>n</sup> Grant. I beleive it may be proven befor your Lo and the Comissioners that Birdsbank hes been the cheef instrument of all this trouble by his stirring up the breuars to conceal ther duties to him and his granting double tacks or discharges, yea his boasting that he is ane hundreth pound sterling out of our way. It seems he values himself in putting fyr among the pitchers, q̄ch is a dishonorable uncristian practise, and may sometime burn his fingerends. My Lord I am ashamed to be thus tedious and troublesom, and my pairtners and I humblie intreat your Lo would call the Comissioners, and that our Collector may gett concurrence to raise that pairt of the subsidie conform to law. Ther is nothing demanded but what is legall and practicable in the wholl kingdom, uee are secured by our sēall dects. of nonentrie. Fraud is unfavourable. If anie of the partners or I uere p̄nt uee could fullie refer this wholl mater to your Lo or anie reasonable man, and beg the law may not be stretched to wrong us. The recalling our parties quartering on dects. of nonentrie is illegall. To make our excyse anie ōyr quota then 3d the pint, or to make it lesse then the ōyr excyse is the work of the Parliament. What was don at Aberdeen was disowned. If Sr James Ogilvie had com down he would have informed the Comissioners, and uee shall be uery loath to com to a publict hearing, and beg your Lo may prevent it by causing doe us justice. Wee are informed Birdsbank acts as Cōmisr āgt us, q̄ch I most say is impudence enough in him to be judg and partie; and uere it not the honnour and respect uee ow your Lo and oyr Hon<sup>th</sup>

Gentlemen who have proceeded by misinforma<sup>o</sup>ne agt us, and that wee are desyrous to beg our peace, far ra<sup>y</sup>r then trouble oysr and ourselvs, wee would have endevo<sup>u</sup>red to be at the bottom of that affair ere now. My partners give ther humble dutie to your Lo, and I am,

My Lord,

Your Lo most humble and affectionat servt

AD GORDON.

8 Apr 1695.

#### SIX MONTHS' SUPPLY, 1695.

On 20th June 1695, a six months' supply of £432,000 Scots was granted,<sup>1</sup> and the Commissioners appointed in 1690 so far as they had qualified were continued to order and uplift the cess. Commissioners were added for most of the counties in Scotland, but no new ones were added for Banffshire.

#### COUNTY PROVISION OF FORAGE ETC. FOR ARMY.

On 30th November 1695, a party of dragoons, according to the Burgh Minutes, came to Cullen for local quarters, and the inhabitants were ordered by the Town Council to assist with quarters the next month. Geo. Wisheart, writing from Banff to the Earl of Findlater, Convener of the County, invited him to get the Commissioners of Supply to carry to them the forage, etc., of the troops quartered in the county. The letters of 8th September and 15th December 1693, given before, should be compared with the following letter from Wisheart:—

MY LORD

I hear yo<sup>r</sup> Lo. hes been pleased to call a meeting of the Comissioners of the shyre, and to take into yo<sup>r</sup> consideration whither the countrey will give assistance or not in carrying in the provision of forrage the Cōmissars doe buy for the troop q<sup>r</sup>tered in this shyre. It hes been allways my care to keep a good understanding betwixt the countrey and those troops I am concerned in; and I hope nothing shall fall out now to the contrary. I only beg pardon to represent to yo<sup>r</sup> Lo., that in case the troop run short, and that the Cōmissars faill in yr conditions, yet provisions most be had, for the troop most not break nor cannot starve; and if we come to want then wee most light upon the neerest and lett the Cōmissars answer for the dammage, for I make no question but the main reasone why the Privy Councill does not obleidge the dragoons to carry their owen forrage is to prevent too

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX., pp. 371-6.



many abusses cōmitted by them q̄n sett out into the countrey, q̄ch never comes to the officers knouledge, and yrfor are not redressed. The Cōmissars are obleiged to delyver it to us at our q̄rters, but they have ane ill bargain of it this yeer, they being obleiged to furnish us the boll of oats and 32 ston of straw yrto at 5<sup>lib</sup> 14<sup>ss</sup> 8<sup>d</sup> scots, so it is of yo<sup>r</sup> Lo. and the Cōmissioners owen good will to help them or not; but in givēg them the help and assistance in carriage yo<sup>r</sup> Lo. and the Gentlemen of the shyre will occasion the troop to be well provyded, and yrby prevent any irregularitys and disorders qch may fall out, if the troop shall be in want; ffor tho I should plead for no favour to the Cōmissars, yet seeing the good of such a favour will tend both to the benefit of the troop and countrey, I doe therfore with the more freedom beg yo<sup>r</sup> Lo. and the Gentlemens favour and assistance in this matter.

I had waitied on yo<sup>r</sup> Lo., but am obleidged to keep ane appoyntment I have at the Gary<sup>1</sup> on Munday next, q̄ch I hear is the day of yo<sup>r</sup> Lo. and the Cōmissioners meeting.

I beg pardon for this trouble, and desyres yo<sup>r</sup> Lo. will believe I am,  
My Lord,

Yo<sup>r</sup> Lo. obedient and most humble serv<sup>t</sup>

GEO. WISHEART.

Bamff 21 Decer 1695.

#### MILITIA LEVY, 1696.

Writing<sup>2</sup> on 1st April 1696, the Depute Clerk of the Privy Council, John Anderson, informed the Earl of Findlater that the heritors in Edinburgh "are bussie proportioning and putting out ther quotas of the 1000 men for the newe levie." Next letter from the Clerk to the Commissioners of Supply deals with the quota from Banffshire, and may be compared with the Minute of said Commissioners of 6th January 1697.

For the Earle of Findlater these.

MY NOBLE LORD

I am apprehensive the Cōmrs hath laid on the shyre on man more then wil be due. Ther was indeed a fraction from this shyre but it seemes the shyre of Abd hath taken it on themselves, as yo<sup>r</sup> Lo will perceave be the inclosed from George Patton, w<sup>ch</sup> is in

<sup>1</sup> Garioch, Aberdeenshire.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 190.

ansr to a lyne I sent him anent that effair. I have given yo<sup>r</sup> Lo the trouble of this lyne for yo<sup>r</sup> advyce how this man shal be disposed of, since the rolls cannot be altered and the officers heir are calling for the list of the leaders. What yo<sup>r</sup> Lo orders to doe in this shall be obeyed by,

My Noble Lord,

Yo<sup>r</sup> Lo<sup>s</sup> most obedient servant

J. BASKEN.

Banffe Apryll 11th 1696.

#### THE SUPPLY OF 1696.

For the Earle of Findlater these.

MY NOBLE LORD

Birdsbank shew me the act of Parl<sup>t</sup> for the suply, wch he hath caried to yo<sup>r</sup> Lo. I shall wait yo<sup>r</sup> order, and in the meane tyme I shal be preparing advertisements and bearers, and shall leave the day blanck till yo<sup>r</sup> Lo appoynt the tyme. So intreating yo<sup>r</sup> Lo to hast a bearer I shall add no more, but according to my bound duty subscribe my selfe,

My Noble Lord,

Yo<sup>r</sup> Lo<sup>s</sup> most obedient serv<sup>t</sup>

J. BASKEN.

Banffe October 27 1696.

#### MINUTE BOOK OF COMMISSIONERS OF SUPPLY, 1696.

The meeting was duly called for 10th November 1696; and on that date the regular Minutes of the County Commissioners of Supply commence, and the history of Banff county government is thenceforward fully detailed. A few older particulars of county administration contained in the Book of the Freeholders of the county, in connexion with the management of roads, the restraint of masterful beggars, etc., have been given in the preceding chapter. Further research may discover other unbound minutes of county meetings, and more domestic letters throwing light on county government than those given in this chapter. It is, however, practically certain that no older bound volume of minutes will be found, because when "John Donaldsone, former Clerk of Supply,"

compeired before the Commissioners on 31st January 1706, it is minuted that he gave up to the new clerk "the former sederunts of the sds Commȳrs beginning tenth November 1696, consisting of ffourty and seven leaves whereof one blank." The minutes of the county after 1696 detail the evolution of county government in its ever widening phases, and show its many and inevitable interactions with national or central rule. The minutes readily explain themselves, and only the aid of an occasional explanation or historical note is given. The minute of 1696, besides dealing with the imposition of the cess and the appointment of the former Clerk and Collector, provides for the salary of the public post.

MINUTE OF 10th NOVEMBER 1696, IMPOSING THE CESS.

ATT ffordyce the tenth day of November Jajvj& and foure scoir sixtein yeires. Sederunt of the Comissioners of Supply of the shyre of Banff viz.:

The Earle of ffindlater, the Laird of Birkenboig, the Laird of Troup, the Laird of Wastertoun, Arindillie, Colleynard, Burdsbank and Arnebath.

Who all choised the Earle of ffindlater preses, and by his Lop it being exposed to the Comissioners that the present meiteing was for setleing the eightein monethes cess imposed by the late act of Parliat 25th of September last past, and for choiseing their Clerk and Collector for the said supply, they all in one voice did elect nominat and choise George Leslie of Burdsbank their former Collector to be their Collector of the said eightein monethes supply and James Baskein their former Clerk to be their Clerk dureing the heall tearme of the said supply, and they have proportioned for the nixt Mertimes tearme with Clerk and Collector fies to thrattie shillinges and eight pennies Scots monethlie on each hundreth pounds valued rent of 79200 lb. valued rent of the shyre ffor the said one tearme of Mertimes nixt to come, with this nota that for subsequent tearme anent the 800 lb. deductione anent the bridge of Done the Earle of ffindlater the Lord Boynd and laird of Troup are to speak to Bracco anent it and to report to the Comissioners nixt meiting whither the sd 800 lb. diminutione shall be yrefter allowed or not: And ordeines the Collector to proportione the cess of the first tuo monethes payable at the sd nixt tearme of Mertimes at the rate of thrattie shillings and eight pennies Scots for the said tearme, and to

uplift the same proportionallie and out of the first end yrof ordeines him to pay the publict, and to pay thrattie poundes Scots to the Clerk for his sallarie for ane quarter, and also to pay to the Post ane quarters sallarie from the first of November nixt, with this provisiōe that, if the quota now proportioned shall come short of the Post dues for the pñt current quarter, the deficit shall be stented and casten on the subsequent tearmes, and alwayes with this provisiōe that Burdsbank befor the nixt meiting of the Comissioners give in to the Earle of ffindlater or to the Clerk ane bond sūbt by him and his cautioner, who formerlie was caūr for him or uther responsall caūr for him he shall not continew longer then the sd. Mertimes tearme, and if he find the sd. suirtie he shall continew dureing the said heall eighteen monethes.

Farder the Comissioners doe order their Collector to prosecute Mr. Alex<sup>r</sup>. Grant and his caūrs, ffor and upon their securitie for him anent his collectione then given him, and that by applicatiōe to the Thes<sup>r</sup>ie for ane act for quartering on his caūrs, or by chargeing them on their caūrie and bond granted therefor, and recomends to the Earle of ffindlater to acquēt the cautioners thereanent, and appoyntes the Collector to uplift and discharge the arreires given out by the then Comissioners and be countable therefor.

FFINDLATER.

JA. ABERCROMBY.

ALEXR. HAY.

J. ANDERSON.

The convening of meetings of the Commissioners for Fordyce and Cullen outwith Banff the county town, which was common about this period, was the subject of complaint in 1700 by the Town Council of Banff,<sup>1</sup> and was rectified shortly after that time. The Collector, George Leslye of Burdsbank, was about this period in financial difficulties; and the security demanded for his intromissions was very necessary.

#### THE LESLYES OF BURDSBANK.

Burdsbank, a small estate for long included in the extensive domains of Cullen House, has for many years lost its identity. Its name alone still clings to the spot near Cullen House where the laird's house stood in olden days; and only the local antiquarian

<sup>1</sup> See page 55.

knows of its old connexion with the family of Leslye. This family had its origin in Banffshire in 1610, when Sir Walter Ogilvie of Findlater, afterwards the first Lord Deskford, conveyed Burdsbank, sometimes spelt Birdsbank, to George Leslye, second son of Robert Leslye of Findrassie in Moray. In 1617, George Leslye appears in the minute books of the Town Council of Cullen as a Councillor, and two years later, in 1619, he was Commissioner for Cullen to the Convention of Royal Burghs. Robert Leslye, the father, had a passing interest in Banffshire himself, for in 1624 he purchased from Lord Deskford the lands of Leitchestoun, Clune, Smithstown and Dytach, in the parishes of Deskford and Fordyce, for £5000 Scots.

George Leslye was succeeded in Burdsbank by his son William as second laird. In 1658, William Leslye appears in the Town Council minutes of Cullen as heritor of the Old Mill of Cullen. The burgesses were mostly astricted to this mill, being bound to grind their corn there. The Cullen records show that more than once, during this laird's ownership, they were forced, though very unwillingly, to perform the customary mill services or commute them, and that Burdsbank had more than once to seek redress in court for their evasion of his multures. He was one of the Scots Commissioners who were summoned by General Monk to meet in Edinburgh on 16th November 1659, when the restoration of Charles II. was so far concerted.

The Sasine records of Banffshire seem to speak of William Leslye as a gentleman of substance, who was rich enough to lend money to the bigger neighbouring landowners.

28th Apryll 1664.—Renunciation Wm. Leslie of Birdsbank in favors of James Earle of Findlater of and upon yt half of the toune and lands of Craibstone and half of Shepherds croft yrof qch were before wodset to the deceist James Shepherd sometyne in Craibston and redeemed from his eldest sone w<sup>t</sup> ye pertinents.

13 November 1668.—Saising William Leslye off Burdsbank and Helen Monro his spous in conjunct fie and lyverent the longest leiver of them tuo and George Leslye yr oldest lawfull sone in fie off all and haill that pairt and portione of the toune and lands of Whyntie prēs<sup>ly</sup> pertaining to Sr Patrick Ogilvie off Boyne and occupied and possest be George Allan and Alex<sup>r</sup> Leyth with the pertinents yroff.

In 1670 he appears in the list of Commissioners of Supply for Banffshire.

27 May 1673.—Renuncia<sup>ne</sup> and grant off redemption off all and haill that pairt and portione off the toune and lands of Whyntie possest be Geo. Allan and Alex<sup>r</sup> Leith granted be Wm. Leslie of

Burdsbank Helen Munro his spouse and George Leslie yr sone to and in favors off Sr Patrick Ogilvie of Boyne.

8 October 1674.—Saiseing given to William Leslie of Burdsbank and Helen Munro his spouse in conjunct fie and liverent the longest liver off them tuo and George Leslie there sone in fie of all and haill ane yearly @ rent of two hundreth and fourtie pundis Scots to be uplifted out of the toune and lands of Neitherblerock.

8 October 1674.—Saiseing given to William Leslie of Burdsbank and Hellen Munro his spouse in conjunct fie the longest liver of them two and George Leslye there sone in fie of all and haill ane yearly @ rent of two hundreth and fourtie merks to be taken furth off the two rouses in Hilsyde off ffordyce possessed be Alex<sup>r</sup> Gregor and Alex<sup>r</sup> Keir.

20 May 1676.—Instrument of Resignatione made and granted be William Leslye of Burdsbank and George Leslye his sone to and in favour of James Earle off ffindlater and yt in speciall favour of John Gordone of Leterfurie and Marie Innes his spouse of ane yearlie @ rent of two hundreth and fourtie pundis Scots mōey to be uplifted furth of the toune and lands of Neitherblerock.

25 May 1677.—Saiseing given to William and George Leslye elder and yr of Burdsbank off all and haill ane yearlie @ rent of six hundreth merks mōey uplifted furth of Whyntie. This was discharged by George Leslye on 28th June 1698.

Meantime the burgesses of Cullen were giving trouble. In 1672 "it is statute," so runs the Cullen Town Council minute, "that the haill toune heritors, tradsmen, brewers and others within the sam shall be stented in the soum of ten merks for bringing hom milstons to the Old Mill of Cullen," probably either from Pennan in Aberdeenshire or from Quarrywood near Elgin. In 1677 Burdsbank complained to the Town Council "upon the haill brewers of aill, bear and acquavitie that they goe above his mill with their malt meale and other graine belonging to them to other adjacent milnes although they be bundsucken to him and his milne, so he is wanting in his multure." Dr. Cramond says that the tombstone of William Leslye and of his wife Helen Munro of Miltoun was sometime ago unearthed in Cullen Churchyard, with the arms of the Burdsbanks upon it, but the heart-shaped centre gone.

George Leslye succeeded as third laird. The date of his birth has not been ascertained. In 1666 he was admitted a burghess of Cullen; but as this honour was often conferred on mere youths it gives no certain clue to his age. He married, probably before 1675, Christian, second daughter of Sir James Baird of Auchmedden, Sheriff Principal of Banffshire. In that year he was appointed Sheriff Clerk of Banffshire, in succession to Robert Sharp, relative of James Sharp, Archbishop of St. Andrews. At the same time he was appointed Keeper of the Particular Register of Sasines for Banffshire, and the records shew that the first writ registered by him was on 16th June of that year. He invariably spelt his name and his father's Leslye. In December 1683 he took sasine on the lands and baronie of Doune, Gamrie. In 1685, like his father, he had to apply to the Town Council of Cullen to issue orders that heritors, tenants, etc., should send men and horses to "lead" stones out of that part of the burn betwixt the Killcraig and the intack to the said mill, and for carrying home slates to slate the mill out of the "Sklaite Heugh of Findlater, or David's Castle." In May of the same year he represented Cullen in the first Scots Parliament called by King James. In those days of payment of members he was allowed by the burgh 24s. Scots daily while attending Parliament in Edinburgh, and for the time in going and returning home, eight days, so long did the journey take in those olden times. In Seafeld Correspondence, edited for the Scottish History Society, is printed a letter from George Leslye to the Earl of Findlater, dated 28th April 1685, giving an account of the proceedings of the session. In May 1686, he was again in Edinburgh attending Parliament, and in three other letters, printed in the same Correspondence, he continued his account of the proceedings of the first and last Parliament convened by King James. In common with most of his compeers, he made no animadversions on the autocratic policy of James, apart from his Romanising actions, which he was opposed to.

On 29th September 1686, Burdsbank took sasine of the lands of Coultoun, Inaltrie and Litle Knowes, all in Deskford, under reversion; and on the 30th September 1687 he took sasine first of the lands of Deyhill, Barnhill, Auldealhouse, Gelliemyln and others in Gamrie, and second of the lands of Inchdrewar, Lochagins, Culbirnies, Killpots and others in Banff. Both sasines were upon two charters under the great seal. Ten years later Burdsbank was in deep water. In 1698 he ceased to be Collector of Cess. In 1699 he had sold out his paternal estate of Burdsbank to Seafeld. That year he was in prison for debt to the town of Cullen, which he had represented in Parliament. Later the same year, on 9th December, he was liberated from the prison of Banff, where he was incarcerated for debt.

Many incidents of his career are to be found in Dr. Cramond's *Annals of Banff* and of Cullen, in the Editor's *Seafeld Correspondence*, and in these Records. He had three sons and two daughters. The eldest son died unmarried. The second son made a clandestine<sup>1</sup> marriage with Lady Mary Ogilvie, daughter of James III.<sup>rd</sup> Earl of Findlater. The third son, Patrick, appointed Joint Sheriff Clerk of Banffshire on 10th September 1703, married Margaret Ramsay of Melrose in Gamrie, and predeceased his father with issue. George Leslye resigned the office of Sheriff Clerk in 1723, and died probably in 1724.

#### LEVIES OF HORSE AND FOOT, 1663-1696.

If the apportioning and collecting of cess by the County Commissioners emanated from, and was a delegation of the national authority, so also was the duty placed on the local authority by the central power of taking measures to levy the horse and foot of the army, a duty extensively delegated to the local authorities of the present day, so dependant is the central power on the man on the spot, if its resolutions are to be effectively carried out.

After the Restoration the Militia of Scotland was settled by the act<sup>2</sup> of 23rd September 1663, which offered 20,000 foot and 2000 horse to Charles sufficiently armed and furnished with forty days' provision. These levies were apportioned on the various shires and military districts, mainly on the basis of population and the suitability of the population for foot or horse. Banffshire, like many other counties, was not treated in this matter as a unit. From the "shire of Kincarden and Marishalls parte of Aberdein eight hundreth foote and seventie four horse, from the rest of Aberdein and shire of Bamff one thousand sextie sex foot and one hundreth seventy sex horse" were the local quotas. The figures one hundred and seventy six horse are referred to in the minute of 6th January 1697, at page 186. This Militia, when embodied was under obligation to march to any part of Scotland, England or Ireland to resist foreign invasion, or to suppress internal insurrection. If necessary, every male between sixty and sixteen years was made available for service.

At the Revolution the exigencies of the situation compelled the Convention of Estates to add to the territorial Militia system the general recruiting of regiments. On 27th March 1689, General Mackay was authorised<sup>3</sup> to recruit in Scotland four regiments of foot and one of dragoons. On 19th April following eight regiments of foot with establishment of 5400 men were authorised, to be raised<sup>4</sup> by the Earles

<sup>1</sup> *Seafeld Correspondence* (Scot. Hist. Socy.), pp. 247-8.

<sup>2</sup> *The Acts of the Parliaments of Scotland*, Vol. VII., pp. 480-1.

<sup>3</sup> *Ibidem*, Vol. IX., p. 22.

<sup>4</sup> *Ibidem*, Vol. IX., p. 50.



of Argyle, Mar and Glencairn, by Lord Cardross for Lord Angus, by Lords Strathnaver, Blantyre and Bargany, and by the Laird of Grant. On the previous day the Convention called out<sup>1</sup> 500 Militia horse in the proportions of the Act of 1663. This was one fourth of the maximum number allowed by that act, and explains the expression "fourth horse of the ordinar militia" in Leslye's letter at page 160.

On 1st August, after Killiecrankie, Parliament authorised the Privy Council, if necessary, to call out all heritors and fencible men.

In view of a threatened invasion in 1693, Parliament on 23rd May authorised<sup>2</sup> a levy of 2979 foot, in the same proportions as were laid down in the Militia Act of 1663, being from "Kincardyne and Marshalls part of Aberdeene 119, and the rest of Aberdeene shyre and Banff 159." The Commissioners of Supply, with one or two Magistrates from each Royal Burgh, were directed to make the levy effective in each military district, and had power, along with the officer directed to receive the men, to determine their sufficiency. In consequence of this levy the concession was made that for one and a half years the Militia would not be called out except in case of actual invasion.

With the war against Louis XIV. in Flanders so long in progress, the drain on men was great, and on 17th July 1695 a levy of 1000 foot to serve three years and to the first of November next thereafter was authorised<sup>3</sup> by Parliament. That Scotland might be delivered from the oppressions of "pulling away poor men from their wives and children that cannot subsist without their handy labour, and the ingageing and seizing of other unfitt men noway proper for the service," the Estates enacted that, as all heritors and the superior sort of His Majesty's lieges contribute to the war by paying supply, pole money and excise, therefore "the inferior sort who contribute little or nothing, specially such men as are without wives or children, who earn their living by daily wages or by termly hire," should serve as soldiers at home or abroad. The 1000 men were proportioned on the counties and military districts. in accordance with the scheme of 1663; and the County Commissioners of Supply were directed to furnish out, first, all idle vagabonds liable to seizure who were unmarried, and secondly, all young fencible men of the bounds with no wives and children to make up the quota, these latter being chosen by lot. To encourage recruits, each was to receive £20 Scots.

Next year, on 9th October 1696, a levy of 1000 men each year, until the ensuing session of 1700, was voted,<sup>4</sup> on the same proportions

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. IX., p. 47. <sup>2</sup> Ibidem, Vol. IX., p. 265.

<sup>3</sup> Ibidem, Vol. IX., pp. 459-460.

<sup>4</sup> The Acts of the Parliaments of Scotland, Vol. X., pp. 61-2.

and conditions as the levy of 1695, with this addition that the services of a soldier could, for £24 Scots, be compounded.

#### LEVIES OF HORSE AND FOOT, 1696-7.

SEDERUNT of the Comissioners of Supply and Militia of the shyre of Banff holden at Cullen upon the sixt of Januarie Jajvj& and fourescoir seavinten yeires. Comissioners present—The Earle of ffindlater, Sir Jon Gordon of Park, The Laird of fforglen, The Laird of Troup, The Laird of Durne, The Laird of Kempkairne, The Laird of Colleynard, The Laird of Wastertoun, Gordon of Achoynanie, George Leslie of Burdsbank, Jon Innes of Edingeith, The Provost of Banff, The Laird of Birkenboig.

Who all choised the Earle of ffindlater preses of this meitting; and his Lop having explained to the remanent Comissioners the desyne and end of this meitting viz: Anent the outreikeing of the Militia horse of this shyre conforme to the Counceills act and proclamacione dateit the tenth of Decēr last past; item anent the levie of ane thousand men conforme to ane uther act of Councell dateit the sixteenth day of the sd monethe, and anent my Lord Chancelloures letter to the Comissioners of Supply of this shyre dateit the first of December last past: The saids two proclamaciones and my Lord Chancellors letter being read, the Comissioners resolve anent the Militia horse, that in respect the quota of this shyres proportione of the sd Militia horse distinct from Errolls pairt of Aberdeine shyre is not distinctlie knownen to any of the Comissioners present, and that they suppose there may be some error in the proportione of the rest of Aberdein shyre and Banff shyre, q̄ch in the Counceills act is ane hundreth and sevintie six horse; there for they recomend to the Clerk to the Comissioners of Supply of the sd shyre and get nottice what the distinct proportione of the horse of this shyre is, and whether the sd 176 horse be the trew cast and proportione of both shyres condiscendit to and imposed by the first act of Parliat anent the Militia, and also what the sds Comissioners have yet done anent the sd horse Militia, and what ever answer comes to the Clerkes handes ordeine him to report the samyn to the Earle of ffindlater that he may take such course yrin as appeirteines; and recomendes to Kininvie, to be assisting to the Clerk in draweing the

said letter. As to the levie resolved that the leaders of the levie the last yeir be continowed this yeir with alteratione only of any adjuncts that any the leaders shall desyre to have altered, which the Comiss remittes to the Clerk to doe as he shall find just cause: Ordeines the Clerk imediatlie to issue out proclamatiōe to the severall leaders that they may have their men or money readie at Banff on the 22<sup>d</sup> instant, the day appoynted by the Councell for that effect, under the paines contained in the proclamatiōe. And as to my Lord Chancellors letter recomendes to the Earle of ffindlater to give aīsr thereto. And in respect of a complent anent quartering upon deficientis in payment of their cess, it is ordered that for heirefter the Collector shall send out one sojor to make intimatione of the parties comeing on the shyre, and that the Collector shall pay to the partie what is dew to them by law for their deficiencie, which he shall cast on the deficientis for the nixt termes cess, and shall have power to poynd or quarter on the saids deficientis according as for the cess, so that the Collector shall be no loser thereby.

FFINDLATER I.P.C.<sup>1</sup>

ATT Banff the twantie second day of Januarie Jajvj& and fourescoir seavintein yeires

The q̄ch day in presence of Sir James Abercrombie of Birkenboig and Nicolas Dunbar of Castelfield Shirreff depute of the shyre of Banff anent the Councells act and proclamatiōe for delyvering the proportiōe of the thousand men of levie for the yeir 1696 dew out of the shyre of Banff: Compeired Lievetennent Collonell Murray in Collonell Walter Colliers regiment and produced ane comissione from Collonell George Hamiltoun dateit 22<sup>d</sup> of Decēr last to uplift and receive the sd proportiōe of men dew out of the shyre of Banff, which the sd Birkenboig and Shreff deput ffound sufficient, and ordeined the Clerk to give ane list of the leaders of the sd shyre to the sd Leivetennent Collonell, which accordingly he did: And the sds leaders being called, Birkenboig gave in ane sufficient man named William McIver approven off and accepted by the sd officer; as also Castelfield delyver ane uther sufficient man named James Wilsone ffor my Lord Secretarie Ogilvie or Earle of ffindlater leader of one man approven

<sup>1</sup> In presentia Commiss :

and accepted by the sd officer. Lykeas the Lord Boynd, the lairdes of fforghlen Troup Kinminitie and Wastertoun leaders of one man each of them, the Earl of Marishall leader of one man, the Tutor of Rothemey leader for Rothemey of one man have each of them payed tuantie four poundes Scotis for their men. Lykeas the Duke of Gordone leader of thrie men hes payed tuantie four pounds Scots money for one of his said thrie men, ffor q̄ch men and money the sd Leivetenent Collonell hes given receptes, and the Duke of Gordone is yit deficient in tuo men; and the lairds of Park Bracco Kinairdie and Bellindalloch are also deficient each of them in one man. And the saids Comissioners and Leivetenent Collonell have subscryved thir presents day and place foirsd.

JA. ABERCROMBY.  
NICOLAS DUNBAR.  
WM. MURRAY.

SEDERUNT Cullen ffourth May Jajvj& and nyntie sevin years,  
James Earle of ffindlatter, Sr Patrick Ogilvie of Boyne,  
Alex<sup>r</sup> Sutherland of Kinmintye, Mr W<sup>m</sup> Joass of Coleonard,  
Georg Leslye of Burdsbank, Nicolas Dunbar of Castelfeild  
Shreff deput of Banffshyre, and Patrick Steuart off Tannachie.

The Comissioners of Suplie avēmd. have elected and chosen the Earle ffindlater to be preses.

#### DEFICIENTS OF THE LEVIES OF 1693 AND 1695.

The said day compeired Livetenent Collin Campbell in the regiment of Collonell Macgill (?) comissioned by Collonell George Hamiltoune conforme to his comissione daited the twentie fourth of March Jajvj& and nyntie sevin yeares last past, and produced the act of Counsell daited the sext of ffebry last anent the deficientis of the levie Jajvj& and nyntie three and Jajvj& and nyntie fyve yeares, and represented to the Comissioners that the Duke of Gordone in that shyre for his interest wes deficient in tuo men in the year Jajvj& and nyntie five yeares, and the Laird of Kinminitye deficient in one man, and in obedience to the act of Counsell forsaid ordeineing poynding for payment of the soume of ane hundreth punds Scots money to be made for each deficient man. The Comissioners forsaid ordaines

poynding in the tearmes of the act of Counsell out of the Duke of Gordons interest in the Shirreffdome of Banff for the soume of two hundreth pundis for the sd two deficient men in the levie Jajvj& and nyntie five yeares and that one the yeare the Duke of Gordone his factors and chamberlands in the sd shyre specallie recomendit. As to the man q̄rin Kinminitye is represented to be deficient the year forsaid, Kinmintie produced ane act and sederunt off the daite the sexteint day of Appryle Jajvj& and nyntie sex q̄rby it is clearlie understood be the Comissioners forsaid that the said laird of Kinmintie had produced the persone of Alex<sup>r</sup> Macpherson ane able and sufficient mane wolenteir to John Ogilvie Ensigne comissionat to accept of the proportion of leivie for the shyre of Banff ye sd year, which man so presented was approuen to be ane sufficient man be the laird of Birkenboige and Castelfield appoynted be act of Counsell to see the levie delivered for the shyre of Banff for the sd year, and found that he the sd laird of Kinmintie had obeyed the act of Counsell in presenting ane sufficient man, and had instruments the . . . . upon his refusall of his said man, and thereafter finds him free of any deficiency, and assollyes him therefrae in all tyme comeing, ordaineing extracts of these p̄ntis to be delivered to all parties interested.

#### MARKET PRICES OF BEAR AND BARLEY, 1696-7.

The sd day there wes ane letter sub<sup>t</sup> be the Canceler and direct to the Comissioners of Banffshyre, requireing the Comissioners to take tryall of the depositione of persones and by all uyr lawll evidence, what were current marckatt pryces of Bear and Barley, as they rulled weeklie or at least monethly from the terme of Candlemas Jajvj& and nyntie sex to Candlemas last past Jajvj& and nyntie sevin yeares, and in maner contained in the sd letter daited the twentie sext of Merch last: Ordaines and devyds the districts as followes, for the district of Banff, Keith and Cullen, the Comissioners formerly appoynted by Acts of Sederunt, ōrding the Clerk to emitt intimat̄ons to the s̄all districts with ane double of the said letter beareing the Comissioners appoynted for each district, with power to them to subdevyd themselves as they shall find most reasonable, and appoynts there first meiting in the s̄all districts to be one the twentie

fyfth of May instant, and to report ane exact account of there deligence in ane geñll meiting of the shyre hereby appoynted to be kept at ffordyce the fyfteinth of Junij nixt, that ane report of there proceedings may be transmited to the Excequer.

#### LIST OF LOCAL OFFICERS QUALIFIED.

The sd day there wes also produced ane letter derecht to the Comissioners ffrom the Chanceler daited the fyfteinth of Appryll last, requirring to send to the Clerkes of Privie Councell the names of all persones in the shyre of the best interest whither qualified by law and fitt to be Captaines, with ane list of such Lyvetennents and Ensignes aither alradie named or to be named betwixt and the of May instant; and in respect of the paucitye of the number of Comissioners pñt ordaines ane double of the sd letter to be sent to the districts forsaid, that the Comissioners may have yr thoughts yrin and signifie the samen to my Lord ffindlater betwixt and the sd geñll meiting, that my Lord ffindlatter may report ane añsr in the termes of the sd letter.

#### WHITSUNDAY CESS, VAGABONDS AND BEGGARS.

The sd day the Comissioners appoynt the Witsonday cess to be levied and collected and peyt in to Burdsbank at the samen raite and the terms as the Candlemas cess last collected wes imposed.

FFINDLATER I.P.C.

The said day the Comissioners ordaines the Justices of Peace in the sēall devisions to tack such legal methods for freeing the countrie of wagabonds and beggars, that they contraveen not the act of Parliamen, and may have spēall respect yrto.

#### QUARTERING ON THE SHIRE.

For the Earle of Findlater these are.

MY NOBLE LORD

In obedience to yo<sup>r</sup> comands John Donaldsone hath sent you heir inclosed a list of the deficientes wth ther particular valuations, as also ane account of what is due to the party since ther coming heir. When yo<sup>r</sup> Lo hath caused it to be proportioned and signed, and sent

back to me, I shall issue out advertisements for payment to the Colector conforme, and at pñt shall add no more but that I am,

My Noble Lord,

Yo<sup>r</sup> Los most obedient servant

J. BASKEN.

Banffe Agust 16 1697.

My Lord upon receipt of yo<sup>r</sup>s I wrot this letter, and went to Jo<sup>n</sup> Donaldsone to comunicat yo<sup>r</sup> Los to him, but found he was out of toune, but haveing occassion to meet with him at his returne, I desyred him to obey the tenor of yo<sup>r</sup> Los letter, wch he told me he could not doe in respect he knew not what the partes expences might amount too, since they were still quartering on the shyre, but wthall he hath promised to give yo<sup>r</sup> Lo his sentiments of the shyres effaireas as they are at pñt. My Lord I am a stranger both as to the defficients and the parties expences, and so can give no account; but shall wait yo<sup>r</sup> Los comands, which shall be obeyd by,

My Lord,

Yo<sup>r</sup> Los obedient serv<sup>t</sup>

J. BASKEN.

ffor the Right Honorable the Earle of ffindlater these.

My NOBLE LORD

Being all this day from home, and hereing your Lop. had desyred Captain Baskein or me to attend your Lordship and the Comissioners to-morrow at Grange to give a list of deficients of the cess and a list of the parties expenss or dues, because I could not be accomodate of a horse to carie me on a suddent, this place being ill accomodat, I have sent these to tell your Lop yrof and humblie beg excuse. I would have sent a list, but considering that such listes must be publict to the heall Comissioners, and that in the begineing yrof my Lord Secretaries interest must be first placed, I presume to advyse that your Lop and my Lord Boynd and tuo or thrie neirest heir may meitt at Cullen or where els your Lop pleases so soone as ye returne from Grange, and I being called shall present the bookes, according whereunto measures may be taken. The parties dues cannot be told (on the other hand) till the publict dues be payed in, and a tym

yrefter allowed to pay the same to the receavers, there being as yet some deficients for tuo tearmes in the shyre. I beg pardon for this prolixitie, and conclude that according to dewtie

I am,

My Lord,

Your Lops most obedient and humble svt

J. DONALDSONE.

Banff 16th of August 1697.

From the foregoing two letters, it would seem that John Donaldson, Writer in Banff, was at this time assisting Captain Basken the County Clerk.

#### VAGABONDS, SORNERS AND BEGGARS, AND THE POOR.

The exhaustion and poverty of the county at this period appear in the increasing vigilance of the county and burgh authorities in keeping sturdy beggars and vagrants within bounds; and the "ill years of King William" were coincident with a re-enactment of Poor Law and a recrudescence of harsh hangings<sup>1</sup> by Sheriff and Bailies of broken men who robbed to keep life in. In a county like Banff, partly lowland and partly highland, the revolutionary war had created bands of broken highlandmen, and the harshness of the hangings had something of the political element. The peace of Ryswick in September 1697, with the consequent disbandment of several of the King's Scottish regiments, accentuated the evil.

In 1697 the four Bailies of Banff were appointed to visit the town, and "to banish all loose vagabonds who cannot give ane account of their maner of liveing sumerly without process." On 6th August 1698 "the Magistrats and Counsell, considering how loose the countrie at present is, and how many thefts are nightlie comitted both in town and country, enact that from henceforth there be ane nightly gaurd kept within the out roome of the tolbuith to consist of ane commander and ten men, who are to wisset the whole towne each hour and the feilds nixt adjacent thereto, and to apprehend all loose or vagrant persones, and if any theft or thing shall fall out by the negligence of the gaurd they are to be countable therfor." Next year, on 8th June, five men and a commander were appointed as a night guard in Banff to prevent "the many thefts and pillfering dayly

<sup>1</sup>See pp. 104-5.



and nightly committed within burgh by many theifs of every age young and old." In Cullen in 1698 the Council ordained that "as the town sustains great prejudice by stealing of corn kail and peats by the people of the town, who are not in capacity to maintain themselves, the inhabitants shall be liable for the damage done by those they receipt, and that none be receipted unless they can prove to the magistrates they can buy by themselves without prejudging their neighbours, and each landlord shall be liable to pay £10 Sc. who harbours any person who has not a sufficient testificate from the minister and elders where they last lived." The next discloses a more lamentable state of matters. On 10th July 1698 the Kirk Session of Cullen gave 15s. to the bedall<sup>1</sup> "for burying severall poor who dyed through famine, and were brought dead into the churchyard." On 7th August 6s. were given to the kirk officer "for burying some poor objects who dyed through scarcity." If people so died in the fertile land of Ogilvie, what must have been the privations of the people in the more upland and highland parts of the county.

In a postscript to their minute of 4th May 1697, the Commissioners of Supply directed the Justices of Peace to free the country of vagabonds and beggars — the usual superficial remedy of the time. Later on 5th November 1697 the Commissioners ordered intimation to be made in each parish that no person should harbour masterless persons or beggars, men or women, and that each parish should maintain its own poor. Here was found in parochial settlement and in parish responsibility some solution of the question. On 13th June 1699 the County Commissioners of Supply, on the narrative that, notwithstanding the extraordinary death of many people by sickness and famine, the people wilfully neglect to bury the dead, made necessary regulations and imposed penalties so that corpses might be decently interred. Next year on 19th January 1700 the Commissioners, on account of the excessive number of robberies in the county, made stringent rules against the harbouring of vagabonds, and directed that extraneous beggars in each parish be handed over to the Magistrates of Banff. In Chapter I., at pages 59 and 60, some account of the old Scots statutes passed to restrain vagabonds sorners and beggars has been brought down to 1663. In King William's reign the unusual poverty called for several proclamations and enactments. On 11th November 1692, the Scots Privy Council appointed the heritors and kirk-sessions in landward parishes to make up lists of the poor within each parish, and to cast up the quota of what might entertain them

<sup>1</sup> Sexton or kirk officer.

according to their needs, and assess therefor one half on the heritors and the other half on the householders of the parish. If any were able to work, the heritors were required to put them to work according to their capacities. Correction houses were ordered to be erected. In 1693 a somewhat similar proclamation was issued for royal burghs. Further proclamations were issued in 1694 and 1698. These various proclamations of the Privy Council were ratified by the statutes of 1695 c. 43, 1696 c. 29, and 1698 c. 21.

SEDERUNT of the Commissioners of Supply of the shyre of Banff kept at Cullen house the fyfth day of November Jajvj& and fourescoir seavintein yeires. Comissioners present—The Earle of ffindlater, My Lord Boynd, Sir James Abercrombie of Birkenbog, William Dunbar of Durn, Mr. William Joass of Colleynard.

Who all choised the Earle of ffindlater preses of this meiting.

The Comissioners ordeines also intimationes to be made at each parish that no persone or persones qtsūmr within the shyre shall harbor or recept intertaine or countenance any masterlese louse or broken persones men or woemen, and that non shall harbour or recept supply or intertein strong idle beggers or any beggers qtsumever save the beggers of the parish. And also that ilk parish doe furneish and provyde their owne poore, and that under the penalties and conform to the lawes and acts of Parliat and actes of Counsell made thereanent, with certifica<sup>o</sup>ne those that faillie shall be proceidit against conforme to the said lawes. Lykeas the Comissioners in order to ane bill and account given in to them befor by George Leslie of Burdshank anent certain depursements of his for the common conserne of the shyre . . . the Comissioners have drawen bill on W<sup>m</sup>. Dunbar sone to Durne and James Cock in Banff or either of them their former Collectors to pay the sd account to Geo. Leslie as their bill bears.

FFINDLATER I.P.C.

#### THE COMMUNICATION OF TRADE AND UNFREE TRADERS.

Royal burghs in Scotland long enjoyed the exclusive privilege of trade. With the rise of other burghs, this vested interest countered

the public weal. By the Act 1672 c. 5 freedom of trade was communicated to burghs of regality and barony, a concession much complained of by royal burghs as an infraction of their vested interests,<sup>1</sup> and as unfair because the other burghs did not contribute to public taxation as royal burghs did. This reform, called the Communication of Trade, was, through the action of the Convention of Royal Burghs, modified by the act of 1690 c. 15, which restored in great part the privileges of royal burghs. Later in the reign of William III. a compromise was effected, whereby the burghs of regality and barony in return for the concession relieved the royal burghs of a proportion of said taxation. The acts of Parliament 1693 c. 51, 1698 c. 38 and c. 39, with the report of the Commission, formed under the last named act, detail the settlement of the controversy. The proportion transferred to other burghs proved very inconsiderable and difficult to collect. In 1835 the proportion of the tax roll of the royal burghs so paid was only one-fortieth. The following letter by Lord Boynd, superior of the burgh of barony of Portsoy, and the Minutes of the Commissioners of Supply of 12th July 1698, and 30th April 1700, deal with this measure of relief. The Minute<sup>2</sup> of the Convention of Royal Burghs of 18th November 1697 also elucidates the matter.

To the Earl of Findlater.

Boyn Nov 27 97.

MY LORD

It wes at ffordyc that Mr Baird told me of his warrand for collecting from the unfrie traders particularly from Portsoy. I told my Lord Seafield of it presently, who told me I could not be lyable sinc Portsoy wes discharged for bygons, and thos who traded in it did . . . (but I most suffer patiently such treatments).

Your Lo knows you formerly syned ane warrand to discharg quartering on Portsoy, upon the production of my discharg from Mr. John<sup>2</sup> [torn]. I intreat your Lo will [send] ane new warrand for removing of the partie, sinc the last with the discharg is in my sons hand, I belive with him at Edr. . . . This I hop cannot be refused in justic, sinc your Lo is in knowledg of the wholl matter.

My Lo,

your most humble servant,

PATRICK OGILVIE.

<sup>1</sup> Records of the Convention of Royal Burghs, 1677-1711, pp. 251-4.

<sup>2</sup> Probably Mr. John Buchan, Agent of Convention of Royal Burghs.

ffordyce 12th of July 1698.

SADERUNT of the Commissioners of Supply of the Shyre of Banff, viz., My Lord Boynd, Alex<sup>r</sup>. Gordon of Achoynanie, The Laird of Bracco, John Innes of Edingeith, George Leslie of Burdsbank, Mr. William Joass of Colleynard.

Haveing this day mett anent the partie directed by the Generall Receivers upon the Burgh of Banff ffor their proportione of the taxt roll stented upon the unfrie traders within the sd shyre, and the Magistrates of the sd Burgh haveing applyed to the Comissioners for ane equall stent of the sds unfrie traders their proportiones of the sd. stent both for bygones and in tymes comeing, conforme to the subtack granted to them by Mr. John Buchan and the actes decreites and proclamations therein mentionet, ffindes that ane just stent cannot at present be made in respect the Comissioners doe not particularlie know the unfrie traders. They therfor ordein their Clerk to send out intimations to ilk parish of the shyre to be intimat on Sunday nixt requyreing all heretors lyferenters within the shyre and the factors of such of them as are absent for the tyme to send in to the sds Magistrates ffull and true listes of all unfrie traders and tradesmen within their rexive heritages, and that betwix and the tuantie sixt day of July instant, to the effect the sds Magistrates may stent and proportione the sds bygone restes upon the sds unfrie traders and tradesmen by advyce of the sds heretors and Comissioners who are to meitt the said day for that effect, with certificatione to all such as shall faill in suo doing, the sds unfrie traders their heall moveables shall be, conforme to the lawes made thereanent, escheit and they quartered upon; and also that it shall be laüll to the sds Comissioners and heretors who shall meitt with the sd Magistrates to stent such of the unfrie traders as shall not compeir according as they shall have informatione of their treading. As also ordeines the Clerk to send out intimations thorow the heall parishes of the shyre requyreing all concerned to pay in to George Leslie of Burdsbank their Collector the two monthes supply due at Lambes nixt to come, at the rate of thrie poundes one shilling and four pennies on each hundreth pound rent for the said tearme, and that att or befor the tenth of August nixt to come under paine of poynding and quartering.

JO. INNES.

PATRICK OGILVIE.

W. JOASS.

A. DUFF.

A. GORDONE.

## AUTHENTICATION AND DATE OF MINUTES.

At this period Minutes of meetings were indifferently authenticated by the signature of the preses or chairman, who added the letters I.P.C. (in presence of the Commissioners), or by the signatures of all, or of as many of those present as could be got to sign.

A note may also be added at this point regarding the method of writing the year of grace at this time—the transition period from the old to the modern method. The form Jajvj&, usually written in the County Minutes with a few variants seems to have originated in a debased writing of IMVI<sup>c</sup> by scribes who had forgotten the original significance of the figures — IM written Jaj or Jay signifying one thousand, and VI<sup>c</sup> meaning six hundred, debased to vj& and variants. A very exhaustive note, with about forty variants, is given by Dr. Cramond of Cullen at p. 48 of Vol. III. of Scot. Notes and Queries, 1889.

## COMMISSIONERS OF SUPPLY AND COLLECTOR, 1698.

On 30th July 1698 Parliament voted eighteen months' cess on the land rent to maintain the army. The Commissioners of Supply appointed under this Act were those surviving Commissioners named in the sixth Act of the 2nd Session, the seventh Act of the 5th Session, and the first Act of 6th Session of William, who had qualified or would qualify by the first Tuesday of October 1698; and also:—The Earl Marischal, Alexander Sutherland of Kilmeinnity, Nicolas Dumbar of Castlefield, Robert Grant of Dunlugas, Charles Gordon of Gleggerrack, James Dumbar younger of Durn, the Laird of Auchmedden, Robert Arbuthnot, chamberlane to the Earl Marischal.

The financial troubles of the Collector, Burdsbank, at this time had reached a climax; and on 11th October 1698 Nicolas Dunbar of Castlefield was appointed in his place, an appointment he was making interest for earlier, as next letter shows. John Donaldson writer of the letter of 6th October, who gives an account of quartering on deficients for all too common arrears of cess, was understudy to Captain James Basken, the Clerk, who was at this time an old and frail man.<sup>1</sup>

Castlfeild 22 Aug, 1698.

MY LORD

What I would wreat concerning the countrey affairs or the familie I remitt to the bearer; and only begs pardon for presuming

<sup>1</sup> See letter dated 30th July, 1699, p. 204.

to trouble your Lop in mynding you that at Cullen the day ye went of I told some friends had bein desyring me to put in to be Collector of this new imposed cess. I then told, except your Lop and my Lord Viscount did judge it proper for me, I would not medle, and had recomended it some dayes befor to my Lady to tell you of my resolu<sup>ons</sup>, who promised also to acquaint my Lord Viscount her husband. I also imparted my project to Durn who promised to stand by me and assist me, but now he wreats fra Edr that your Lop and your sone hes proposed that post for his sone William. I made it my indeavour to secur some of the Cōmrs who wer not imbarqued in a contrary faction, but if it be not your Lops and my Lord Viscounts positive desyr I imbrace it, I will desist and medle no farder in it, and tho I continew I fear my cusin Will. or I will have a hard pull for it. My Lord, I have given my return to Durns letter to W<sup>m</sup>. Lorimer unsealed yt your Lop may peruse it, and I beg your Lop will comunicat this letter to non except it be to my Lord Viscount, and I earnestly intreat your Lop would by a short lyne with William Lorimer signifie your sentiments of the premisses, which will be a farder addition to the many former receaved favors. Cullen languishes for want of your Lop; and that ye may live long and happily, and be soon restored to us, is the prayer of all heir and particularly of,

My Lord,

Your Lops most faithfull and most humble srvant

NICOLAS DUNBAR.

#### QUARTERING ON DEFICIENTS.

ffor the Right Honorable the Earle of ffindlater at Cullen house thes.

MY LORD

Yisternigh the receavers order to four foot sojors and their comander to quarter on the shyre for the Lambes cess cam, and this day I have sent them out to your Lop and my Lord Boynd to receive your comandes. If your Lop will cause agree with them for a respyte till the money be gotten in and sent south, and order their payment by the Collector or order lists to be given them, your comandes shall be obeyed. There is a late act anent quartering. I know not what it is, but the persones resting, save your Lop and my Lord Boynd, are not

considerable, q̄rof there is a list inclosed. All or at least most of the money I have gotten in is payed out. There is 109<sup>lb</sup> 1<sup>ss</sup> 8<sup>d</sup> ster: payed of this termes cess for q̄ch I have billes, and the heall terme is only 191<sup>lb</sup> 14<sup>ss</sup> ster., so the ballance due is only 82<sup>lb</sup> 12<sup>ss</sup> 4<sup>d</sup> ster. I have given this account to my Lord Boynd.

I have not yit sein the act of Parliat anent the new cess save in Castelfeildes handes, nor heard any thing from your Lop anent acquainting the Comissioners; and yrfor on the heall I shall vaite your Lops comands, and I am,

My Noble Lord,  
Your Lops most humble svant

J. DONALDSONE.

Banff 6th of October 1698.

SEDERUNT Banff October 11 1698:—Earle of Findlater, Lord Boyne, Sr. Jon Gordon, Laird Trouþ, Forglen, Durne yr. Dunlugus, Edengicht, Culenwort, Castellfeild.

APPOINTMENT OF NICOLAS DUNBAR AS COLLECTOR OF CESS.

The sd day the Shiriff deput presented ane act of Parliat dated the 30 day of July 1698, whereby theres granted to his Mātie eighteen months cess comencing the terme of Martimes nixt, by the wch act the Com<sup>rs</sup> is appoynted to make choyse of ther ounie Colector and Clerk, conforme wherto the Com<sup>rs</sup> have nominat and appoynted Nicolas Dumbar of Castlefeild to be ther Colector for the said sess, and continue James Basken to be ther Clerk for the sd tyme; and heirby ordaines the Clerk to send furth advertisements to the shyre for making payment to George Lesly of Birdsbank the two months suply payable at Mertimes nixt at the rate of three pounds on shilling four penies out of each hundreth pound of valued rent for the sd terme, as also to advertise all concerned to pay in to Nicolas Dumbar of Castlfeild Colector on months suply payable at the sd terme of the rate of thertie shilling eight penies Scots for every hundreth pound of valued rent, making in all foure pounds twelve shillings for the sd terme, and this to be paid at or befor the twenty of No<sup>r</sup>. next wth certification. Nota.—The Colector and Clerks salaries are included in the sd 4<sup>lb</sup> 12 sh.

## THE POLL TAX OF 1698.

The Comrs in obedience to ane proclamation of Counsell anent the gathering of the Poll money have devyded the shyre in three districts viz Banff Cullen and Keith; and for the district of Keith appoynts Kempcarne, Achyndachie, Birkenburn, Edengicht, Bracko, Westertoun, Glengeroch and Arntilly to attend at Keith on the termes and conforme to the act and proclamation of Counsell, to wch district allows the parishes of Kirkmichall, Inverawin, Mortlich, Skirdusten,<sup>1</sup> Boharm, Botriffinie, Keith, Grange and Rothemay to come in and give up the list of polable persons conform to the act of Counsell:—for the district of Cullen the E. of Findlater, my Lord Boyne, Birkinbogg, Durne elder and yor, Sr Jon Gordon of Park to attend at Cullen for the end forsd wthin the parishes of Raffin, Bally, Fordyce, Deskfoord, Ordiwhill:—and for the district of Banffe appoynts my Ld Boyne, Troupe, Forglan, Culenwort, Dunlugus to call for and receive the listes of all polable persons within the parishes of Gemrie, Banffe, Boyndie, Alvach, Aberchirder,<sup>2</sup> Inverkhny, Forglan, St. Fergus and Feterangus and Straloch and Gartly to attend at Banffe for the end forsd and to doe everything containd in conforme to the act of Counsell, and ordaines the Clk to send such intimations of the hail premisses in full forme to all parishes of the shyre.

FFINDLATER I.P.C.

For the Earle of Findlater these are.

MY NOBLE LORD

I have receaved yo<sup>r</sup> Los wth the proclamation anent the pol, and now it is imposible to doe more then is done already, the former act being obeyd and the shyre devyded in severall districts and Cōmrs appoynted for each of them. As for my self I have done what diligence is posible, and if the badnes of the wèather doe not hinder bearers to travell, I hope ther shal be few parishes in the shyre unaquainted the nixt Lords Day. This is all the account I nou give yo<sup>r</sup> Lo, and only add that I am,

My Noble Lord,

Yor Lo devoted and obedient servant

J. BASKEN.

Banffe October 20th 1698.

<sup>1</sup> Now known as Aberlour.<sup>2</sup> Now known as Marnoch.



## THE POLL TAX, 1667-1698.

The Poll tax had now for some years emerged as an independent source of national revenue. Starting in 1667 as a measure of relief for heritors paying supply, continued as such in 1685<sup>1</sup> and 1690,<sup>2</sup> it matured on 29th May 1693 as an independent impost for raising revenue. On that date the Convention Parliament imposed a graduated poll or pole tax on the inhabitants of Scotland, with certain exceptions, to clear off arrears due by the crown to the country and to the army prior to 1st February 1691. This Pole was farmed out and was payable at Martinmas 1694. The following letter from Sir James Ogilvie, Solicitor General, to his father gives a short account of the impost, and the duties of the County Commissioners of Supply in regard to it:

Edr. 10th October 1694.<sup>3</sup> My Lord—I did detain the bearer till the Councell day was over, that I might be able to retourne yow the most distinct anssre. I find that as yet the commissioners have incurred no penaltie by not sending up ther lists, ffor most of the shyres are deficient; bot no new day will be appoynted for that affect. And it is the desyre of the fermers of the pole that the countrey be negligent, ffor in that caice they are posetiwe they will exact the quadruple, and therfor in this countrey everiewhair the lists are complaited, att laist they are going about the doing of it with all dilligence. And therfor I doubt not the comssres of your shyre will loase no more tyme bot prepaire ther lists, and send exact doubles of them to the pole office in this place. I find lykewayes that, unless the accompts due to the countrey be sent over heir immediatlíe, the shyre will loss the benefeit of retaineing, ffor the coms̄sres can retaine nothing, bot conforme to staited precepts to be granted by the Lords of Theasurie. It is also fitt that the comiss̄res attend the seall dyetts, which shall be appoynted by the fearmers, att laist so many of them as yow shall think fitt to appoynt for that affect; and they are unquystionablie judges of all quystiones that shall aryse betuixt the countrey people and the fermers. As to gentlemens sones vnder the adge of sixtein, in this countrey they class them at sixpence, and above that age at thrie pound; bot befor Mertimess this poynt will be determined by ane sentence of Councell, ffor I find the fermers pretends to thrie pound without distinctione of

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VIII., p. 483.

<sup>2</sup> Ibidem, Vol. IX., p. 151.

<sup>3</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 152-3.

adge. As to s̄vants without fie, and who are not intertained for charitie, they may be recked at sixpence. I intreat yor Lope to cause these in whom yow are concerned be dilligent in prepaireing ther lists; as also I expect the bookes of accompts and other documents in Durns hand will be sent up, and if they come shortly I hope to procure ane precept. . .

The collection did not turn out a success; and there were considerable arrears, which the farmers were anxious to profit by, as the penalty of non-payment was the exaction of quadruple the tax. To allow this would have caused much distress and discontent, and in July 1695 an act was passed turning the tack of the poll into a collection on the ground that the levying of money by pole was new, and as the country and others concerned had not observed the rules and ordinances contained in the act of Parliament thereanent, the tacksmen were unable to pay the stipulated tack duty unless they were allowed to exact the penalties imposed by the act, which would have tended to the disturbance and oppression of the whole kingdom; therefore his Majesty liberated the said tacksmen from the said tack and tack duty, providing that they should make just count and reckoning of all their intromissions with the said pole money as if they had been only collectors. On 27th August 1695 the Committee of Parliament committed Sir John Cochrane of Ochiltree, Barntoun, and Sir James Oswald, farmers of the pole, to prison till they should give up their books and accounts anent the last pole. It seems they gave satisfaction to the Committee, for they were next day at liberty.<sup>1</sup>

That same year another Poll tax, payable at Martinmas, was imposed; but on 13th August 1696, the Privy Council, on the narrative that the poll money of 1695 did still for the greater part remain unpaid, notwithstanding all the diligence that hitherto had been used for uplifting and inbringing the same, prorogated the term of payment until 15th October ensuing, and discharged the penalties to which those who had not paid were exposed. By 1st April 1696 horning was ordered out by the Privy Council against the collectors of the pole for not paying in what they had collected, and for not delivering in clear books and lists. The inhabitants who had not "listed and payed in" were also to be sharply dealt with.<sup>2</sup> November 1697 saw extreme legal measures against those in Banffshire who had failed to pay the tax. On the 18th of that month upwards of 500 persons, who failed to compeir in the Sheriff Court of Banff, were ordained to pay quadruple the tax. The list of these deficients, given in the Transactions of the Banffshire Field Club of 18th December 1903, is the only extant relic of the Poll books of Banffshire.

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), p. 168.

<sup>2</sup> Ibidem, pp. 189, 190 and 192.

On 30th August 1698 Parliament<sup>1</sup> imposed a new Poll tax to defray arrears of pay due to army officers and to the captains officers and seamen of the frigates appointed for the defence of the coast, during the late war. The preceding minute and letter give the procedure of the Commissioners of Supply in carrying out the duties placed upon them in the county.

ATT ffordyce the last day of Januarie Jajvj& and fourescoir nyntein yeires: Sederunt of the Comissioners of Supply of the Shyre of Banff viz:—The Earle of ffindlater, My Lord Boynd, Sir Jon Gordone of Park, The Laird of fforglen, Sir William Dunbar of Durne, Jon Innes of Edingeith, George Leslie of Burdsbank, the Laird of Durne yer and Mr. William Joass of Colleynard, who all choised the Earle of ffindlater for preses of this meiting.

#### PROPORTIONING THE CESS.

The sd day the Comissioners doe proportion and stent the cess payable at Candlmese nixt to come being thrie monethes at thrattie one shillinges and tuo pennies Scots money upon each hundreth pound valued rent of 79200 lb. valued rent of the shyre, and that monethlie extending for the sds thrie monethes to ffoure poundes thrattein shillinges and six pennies for the sd tearme; and ordeines the Clerk to send out intimationes to each parish of the shyre requyrens all persones concerned imediatlie to pay in their cess at the sd rate to Nicolas Dunbar of Castelfeild Collector of the cess of the sd shyre.

#### THE POLL TAX.

Lykas in regaird the Counsells proclamatioun came late to this shyre anent the pole money, whereby those concerned have not till of late received advertisements tymlye to pay in their pole money, therefor recomend to the Earle of ffindlater and Lord Boynd to wryte to the ffarmer of the pole and informe theireanent, and desyre sometym may yit be allowed to any who have not yit payed their pole, that they may yit come without danger or hazard.

FFINDLATER, I.P.C.

<sup>1</sup>The Acts of the Parliaments of Scotland, Vol. X., pp. 152-4.

## REGULATIONS FOR BURIAL OF THOSE WHO DIED OF FAMINE.

AT Cullen the threiteinth day of Junij Jajvj& and four score  
nynetein yeares. Sederunt:—The Earle of ffindlater, The  
Laird of fforghlen, My Lord Boyne, The Laird of Durne  
yor., Sr James Abercrombie of Birkenboig, The Laird of  
Coleonard, The Laird of Bracco, The Laird of Castelfeild.

The said day for saemuch as the inhumanitie of the peopell of the  
countrie is heightned to that degree that, notwithstanding of the  
extraordinar death of maney people in the samen by sicknes and  
famine, they willfully neglect to burie the dead or carry them to  
convenient buriall places q̄rby pestilence may ensheu: Enacts and  
ordaines that all persones next adjacent, where any persone deceise, on  
ane call doe frequently meit and conveen and transport the sd deceased  
person, and give deu attendance whill the corps deceased be decently  
interred in the nixt adjacent convenient burriall place: With certifi-  
catione the refusers absent and deficientes to doe there dewtye as said is  
to be fyned in twentie shillings Scots toties quoties, q̄ch is hereby  
inacted to be exacted be the nixt Constable by order of the nixt  
Justice of Peace to be applyed be him towards the use of the poore,  
and the Constables and Justices of Pace negligent of there dewtye to  
be taken specall notice of. Thir p̄nts signed be the preces in the name  
of the Comissers, ordaineing thir p̄nts to be intimat at the paroche  
churches nixt Lord day, q̄ranent the Comissioners warrand there clerk  
to issew out intimationes relative to thir p̄nts.

FFINDLATER I.P.C.

For the Earle of Findlater these are.

MY NOBLE LORD

I have obey'd yo<sup>r</sup> Lo. last letter punctually, and now I must  
begg yo<sup>r</sup> pardon that I am not able to attend yo<sup>r</sup> meeting my selfe,  
being troubled wth the gout and other personall infirmittie, but I have  
conduced wth John Donaldsone to officiat for me and wait upon yo<sup>r</sup>  
Lo. and the rest of the Com<sup>rs</sup>, who I doubt not wil be acceptable; and

when I receive further comands from yo<sup>r</sup> meeting I shall study to obey them so farre as is in the power of,

My Noble Lord,  
Yo<sup>r</sup> Lo<sup>s</sup>. devoted serv<sup>t</sup>

J. BASKEN.

Banffe July 30th 1699.

#### ANENT THE POLL AND BEGGARS.

ATT ffordyce the thirteinth day of November Jajvj& and four score nynetein yeares: Sederunt S<sup>r</sup> W<sup>m</sup> Dunbar of Durne, James Dunbar younger yrof and Robert Grant of Dunlugus, Mr. William Joass of Coleanard and Nicolas Dunbar of Durne.<sup>1</sup>

The Comissioners, haveing considered the acts of the Hoñll Lords of his Majestyes Counsell anent the Poll peyable in January nixt and anent beggars, ordaines the Comissioners of the sēall districts to meit at there sēall places appoynted for meitting, to witt Banff Cullen and Keith upon Weddensday the twentie second instant for ordereing the matters and contained in the saids proclamationes; and ordaines intimationes yrof to be subjoynd to the intimatione of the cess, and that all persones lybell in Poll convene the forsaid tymes and places, and class themselves and deliver the samen to there Clerk to be by him transmitted to the Thesaurie betwixt and the fyfteinth of December nixt.

Wm. DUNBAR, ROT GRANTT,  
JA. DUNBAR, W. JOASS,  
NICOLAS DUNBAR.

#### RULES AGAINST HARBOURING OF VAGABONDS ETC.

AT ffordyce the nynteinth day of Jany ane thousand sevin hundreth yeares: Sederunt as Comissioners of Suplie:— My Lord Boyne, Mr. Wm. Joass of Coleonard, John Innes of Edingeith, James Dunbar of Durne, Sr James Abercrombie of Birkenboig.

Boyne appointed preses. The ordinary cess proportioned.

<sup>1</sup> Clerical mistake for Castlefield.

The said day the Comissioners and heritors, conveened for the tyme, tacking to there consideratione that theiffeing pillffereing bracking of houses barns sheallings and rukeing of corns furth of corne yeards, sheep out of coats, and oyr manieifest daylie and nightlie theiffeing and stealling mightily abounds within the countrie and shyre to the manieifest and utter distructione of many honest and weill lyveing famiely, and to the great loass of many countriemen, which thefts and oysrs are committed pairtly by wagabonds beggars and ūyr pillffereing and kuneing young boyes young weemen and children, and by these who live in the country who have not sufficient wayes and means of lyvelihooode for there susteantance, and hes such insignificant and mean possessiones and habitationes of sēall maisters and heritors and tenenants and subtacksmen, that it is palpable they cannot live ūrby, without makeing use of bad ends for there lyveing and maintaineing themselves, and incuradges them to intyce and keep underhand dealleing with honest men servants to pillffer and undermyne yr maisters by theiffeing and stealing of yr maister effects and goods, and q̄ch are often and maney recept by such kynd of persones to the great opprobere of the countrie and honest dealling: Therefor the Comissioners and heritors forsaidis statuts inacts and ordaines that no extraneous wagrant or stranger beggar young or old wagrant or unknowen persone, without sufficient testificat seen and approven by ane Comissioner, kuneing young boyes or lasses beis intertained in meat drink or harboureing be any persone or persones q̄tsomever, of what qualitie or degree they be of, within there houses or one there lands steadings or there possessiones any tyme or space whatsomever, under the penultie of three pundis Scots money, toties quoties they be found to contraveen thir presents, and be found to have intertained or given meat drink or harboureing to any such persone as is above wrī, and be holden esteemed and repute as airt and pairt contryver and abetter of there theifteous proceedings and deallings, and to be lyable processed and proceeded aḡst as such conforme to the lawes and acts of Parliat and Counsell statute in the lyk caises, and that for the futur noe heritor or oyr tenents or subtenents presume or tack upon hand directly nor indirectly, under whatsomever coller or pretext, to sell or give tacks or assedationes to noe persone or persones whatsomever under ten merks money of yearlie rent and dewtye, and have ane knowen honest way of

lyveing and mantaineing themselves and families, except such are actuallie men servants and who work to them for their land, and such as tradesmen who lykways have ane honest way of lyveing, and that under the faillzie of twentie pundis Scots money toties quoties to be payed be the contraveners, besydes being lyable for all damnadges that may hapen to be found to be comited by any such persone harboured be any of them, or on there possessiones lands tacks or stedings oyrwayes nor is abovewriñe, as said is: And ordaines everie paroch in the shyre to intertaine and maintaine the poor of there owin paroches, who are to have testificats for the boundes yrof to be given them be the sessione clerks gratis for there intertainement as said is within the samen, conforme to the acts of Counsell in that case ordained: And whereever any such wagrant kuneing or extraneous begger or oyr persone beis found within any paroches, to be apprehendit and transmitted be heritor to heritor untill they be out of there bounds and at last delivered to the Magistrats of Banff, to be by them mantained and intertained as is enjoyned and appoynted be acts of Counsell; and ordaines ane double of this present act to be transmitted and intimate publictly with the intimationes of the cess at ilk paroch church, yt none pretend ignorance.

PATRICK OGILVIE, I.P.C.

During 1699 and 1700 the Commissioners of Supply were exercised by a claim of the general receivers of cess, James Oswald and James Dunlop, for £2738 16s. 8d. arrears of cess preceding February 1691. A warrant was issued at their instance on 3rd January 1699, and when the Commissioners met next month at Cullen on 28th February a party was lying on the shire for this old deficiency. The meeting referred the settlement of the matter to the County's agent, Mr. James Baird of Cullen, Writer to his Majesty's Signet, Edinburgh, and as his three letters to the Earl of Findlater explain the matter better than the formal minutes of 28th February, 9th and 10th May, 13th June and 13th November, all 1699, and 19th March 1700, these letters are given. The matter of the arrears on account of Lord Boyne and Lord Auchintoul's cess of 1689 is interesting. As Judges of the Court of Session in James' reign their cess was counted towards their salaries; but after the Revolution no allowance was given them for the cess due by them at Whitsunday 1689. Hence the claim against the county for part of the arrears.

For the Earl of Findlater.

Edr. 14th Jully 1699.

MY LORD

Tilliebodie hes this morning payed Bracco and Birkenbogs bill, and I hade receaved payement of these draven upon William Dumbar some time befor, and I have appoynted this afternoon to meett with Sr James Oswald and James Dunlop in presence of fforland on of your commissioners in ordore to clearing. By the letter I sent your Lope last post yow will sie that the account which was inclosed yrin, and which they extracted from of ther books, differs both from ther ordor of quartering upon the shyre and the account your Lope sent to me with the bills, for clearing conforme thertwo. When I told them this they sayed ther bookes was ther rule, and that was ther chaarge; and they might give ordore for quartering for more or less as they pleased, bot yowr shyre behooved to pay up all conforme to that account or instruct that yow have alreadie done the same; so I expect the ballance so soone as is possible, ffor without both that and the Lords of Sessions proportion for the terme of Wittsonday 1689 I can not obtaine ane geall discharge to the shyre. This forenoone in the Thēarie roome in presence of the Lords of Thēarie and my Lord Seafield I did represent the cace of the Lords of Session as to that termes cess, to which it was anſred that the caice was fully vnder considderaone at clearing accounts with Sr James Oswald and James Dunlop, and by a publict act of the Thēarie they have discharged any allowance of that termes cess to be granted to the Lords of Session, declairing that the same should not be allowed to them in ther accounts, and the sd act is lyeing in Sr Thomas Moncreiff his hands. Your Lope will therfor be pleased with all dilligence to call a meetting, and ordore the remitting into my hand what is wanting upon both these accounts, that a generall discharge may be obtained and sent home to be regrat in your books. Moreover James Dunlop tells me that he hes Burdsbanks bond for 30 lib ster; bot that the shyre naither is discharged nor did he accept of the bond as payt, and sayes he will quarter upon the shyre for it. I knowe not who wer his caurs at that time, bot by nixt I shall let your Lope vnderstand the matter better. I have in the mean time thought this advertisement due. I wish my Lady and the Maister all happieness,



and pray for good newes concerning hir. My Lord Seafeild will be soone with yow. I ame,

My Lord,

Your Lops most deutiefull most humble and most obedient servant

JA. BAIRD.

For the Right Honourable the Earle of ffindlater.

Edr. 18th July 1699.

MY LORD

I have alreadie acquanted your Lope that the bills sent to me for clearing the debentar due by the shyre of Banff to Sr James Oswald and James Dunlop comes short of ther chairge ag<sup>t</sup> the shyre, and when your Lope and the commissioners sies the account I last sent, yow will by compairing it with the bills and allowances to the Lords of Session easely sie what more money will be necessary to be remitted in ordore to the obtaining a generall discharge. The last articles in Boyne and Auchentoules account of deductions viz for the terme of Wittsonday 1689 will not at all be allowed, bot upon the contrar by a publict act of the Theasurie the tacksmen are expressly discharged to give any allowance to the Lords who wer then in office for that terme, and accordingly they have all payed up, so they most pay it in presently that the shyre be not quartered upon. My Lord Seafeild can informe both yo<sup>r</sup> Lope and my Lord Boyne that he was present when I gott this a<sup>n</sup>sre from the Lords of the Thēarie, so that my endeavors have not bein wanting in the matter. The tacksmen are satisfied to allowe all the rest of the deductions conforme to your Lopes and Mr. William Joss attesta<sup>n</sup>e inclosed, bot I have returned it to your Lope that the then collectors (who ever they wer) may acknouleadge that they have gott allowance therof from the tacksmen. All this would be gone about als soone as is possible, for it is convenient now to have ane finall discharge. I ame,

My Lord,

Your Lops most deutiefull most humble and most obedient servant

JA. BAIRD.

The collectors may subjoyne ther receipt of allowance to your Lops and Mr. Wm. Joss subscriptions, and let them except the forsd terme of Witts: 89 out of it.

For the Earl of Findlater.

Edr 26th Mairch 1700.

MY LORD

I hade the honour of your Lops, and tho I doe not knowe Mr. Scott of Prestouns Dragoons now quartering upon the shyre of Banff, I ame truely sorie that he should have acted so foolishly and inconsideratly with the gentlemen of the shyre, and particularly with my Lord Seafeilds tennents, who is so farr removed from them himselfe, and that not only upon his oun account, but lykewayes upon the account of those gentlemen who are his constituents, who may suffer for his fault, tho innocent. If fforghen (who was mightely concerned when he receaved the first account of it) hade prosecute him so farr as he might have done, he would have not only gott him suspended from his command, which he exercises in such a tyranical maner yr, bot would lykewayes have got him putt to ane other way of gaining his bread then by the sojer craft, and that without troubling my Lord Seafeilds ears with it; and his cariage deserved no better treatment, tho his lenety would not impose it. However I make no doubt bot Mr. Dunlop, by whose authority he should and does act, will make him senceable how farr he hes gone out of his road, and that he will find himselfe concerned to come and beg your Lope and my Lady Seafeild pardon in mor submissive termes then can be desired.

He is ordored to remove from quartering upon the shyre with the pairtie under his command, being payed quartering money conforme to the act of Parliat for the 651 lib ijs 4d yet resting of that old debentar, and that only from the time of his intimation of his last ordors of quartering receaved from Oswald and Dunlop in January last; and if he hes aither receaved money or poynded for more, he is to restore it againe upon his perell, and he is to be payed for no more then have bein actually locally quartered upon the shyre.

I ame sorie your Lope or the Commissioners should chaarge me with the neglect of not sending north the receipt of the 1400 lib odd money payed in July last. Its true it might have bein als well their as wearing in my letter case all the time since; bot I did not think that they would have taken 3 quarters of a yeare to deliberate upon pay<sup>t</sup>. of the ballance as they have done; and upon the contrar I was ashured

money would have been immediatly sent up for clearing of it, and so I thought it neidless to remit home that which was presently to be returned back, especially seing I sent a letter of advice showeing that it was payed and a removal of the pairtie, and have ever kept of ane new on till now that I was asheamed to ask any furdre forbearance; and your Lope and Capt Basken most bear me witnes that in many letters to you both I have warned the shyre of ther dainger, and as things have happened it is als well as it is, ffor if my letter was produced to Mr. Scott telling when it was payed, backed with the Commissioners affirming the same, he ought to have given credit to it; bot for clearing all to be treuth receive it here inclosed.

The found that is nou sent is not good yet for that ballance, being a bill drawn by Bracco and Birkenboge upon fforghen, Tulliebodie,<sup>1</sup> or my faither in law<sup>2</sup> payable to me. The first and last haveing non of the effects have refused to accept or pay, and Tulliebodie is up the watter at his oun house; and truely for myselfe I hade not so much money at the time by me as would aũsre it, naither was it congruous for me to whom it was drawn payable to pay it with my oun money. It hade a clause in it lykewayes which rendered it some what unacceptable viz. that the drawers should have releife off each other, bot if I hade hade the money I would not have stood at all those scruples. I ame resolving to send ane express to Tulliebodie with it to-morrow, and if he refuse it, it shall be returned. Bot the clear easie and regular way will be to pay in the money to my Lady Seafeild, and take a plain bill of 4 lines for it aither upon fforghen or my faither in law, who<sup>l</sup> aũsre it upon sight to me or any to whom it is made payable. And this or some other effectual course most be presently taken or uyrwayes the pairtie will be ordored to quarter, bot not under the command of Mr. Scott.

Its strainge that the former allowances of those times given by my Lords Boyne and Auchentoule then Lords of Session conforme to ther valoua<sup>o</sup>nes, and which was attested by some of the Commissioners, and was long agoe sent by me to your Lope to gett the Collectors of these times ther attestations or rather declara<sup>o</sup>ns, that ther was allowance

<sup>1</sup> Alexander Abercrombie, second son of Sir Alexander Abercrombie of Birkenbog, and son-in-law of Bracco.

<sup>2</sup> John Anderson, Depute Clerk of the Privy Council of Scotland.

therof given to them dureing the time of ther intromissions by the sds receavers, is not as yet returned, ffor without that, although all the money wer heir in specie, we would obtain no generall discharge from them. Therfor your Lope and the Commissioners will take speciall nottice that that be returned in that ordore, with this receipt now sent, and what other receipts or payts you have credit for in the account sent you by Mr. Dunlop, and ther will be no difficulty to clear the whole matter. Ther is a removall given in the mean time, which fforghlen will send with Mr. Dunlops letter to Mr. Scott; and fforghlen and I both are ingadged that no time shall be lost in remitting clearness and payt. What small expenses I have bein at upon this occasione or may be at I neid not mention, it being bot inconsiderable. I remitte it to your Lope and the Commissioners, and ever ame,

My Lord,

Your Lops most deutiefull most humble and  
most obedient ser<sup>t</sup>

JA. BAIRD.

After wreatting of what is above, I and fforghlen have conserted, and he hes become debtor for the money contained in Bracco and Birkenbogs bill, and hes drawn bill upon them for the same payable to my Lady Seafield at thrie dayes sight.

#### THE BANFFSHIRE POLL LISTS OF 1698.

The two next letters may afford a clue to the discovery of the lost Poll books of Banffshire.

For the Earle off Findlater.

MY NOBLE LORD

In my last to your Ldsp. I gave you ane accompt that I hade sent south the poll lists qch were given in to me from the district off Banff, and with this last post I have receaved ye inclosed from James Baird upon receipt of them. As for the lists I got from ye districts of Cullen and Keith I did according to your Lo. order send them south the nixt morning by post, and did wreate to James Baird to whom I sent them, that if he found aney difficultie in getting them taken off his hand he would apply to ye Laird of Forghlan, who will give him his concurence, and when I get aney return from him I shall give your Lo.

ane accompt therof. What further is containd in James Bairds letter to me your Lop. may take what course ye think fitt therin; so wishing your Losp. and all yours ane happy new yeare, according to my deuty I subscrive myself,

My Noble Lord,

Yor Lops most oblidge and obedient serv<sup>t</sup>

Banff Decbr 23:99.

J. BASKEN.

For the Earle off Findlater.

MY NOBLE LORD,

I told you in my last that I sent south ye lists of ye pole as your Lo. ordred me; and I have now receaved ane line from James Baird, who tels me they came to his hand wery oportunly, and delivered them to Sir Thomas Moncreiff the day before the tyme apoynted by ye act of Parliament. He wreits in this letter anent ye debentur of the shyre as he did in the first, and I have shoven ye leter to James Cock, that he may aquant your Lop therwith.

My Lord this day I did see ane packet direct to the Shireff deput and desyned Collector of the poll money. I have bein att great trouble and expenss about that affair already, so that I am hopefull your Lop. will be so just as not to ingaidge me further in yt. bussiness, since I judge myself not to be concerned therwith; but both in this and every thing els I shall still be at your Lo. disposal as it becomes,

My Noble Lord,

Your Lops. most oblidge and duetyfull servant

J. BASKEN.

Banff Jar 3:1700.

#### THE BURGHES OF BARONY OF BANFFSHIRE AND THE COMMUNICATION OF TRADE.

The Records of the Convention of Royal Burghs (1677-1711) at pp. 302-3 bear on the subject of next minute. The Burghs of Barony in the shire named in the said minute do not conforme to the following list given in 1691 by the Convention of Burghs,—“Miltoun of Ballvenie, Newtoun of Edinglassie, Keith, Carnousie, Newtoun of Park, Newmilne of Strylaie, Rothemey, all dry burghs of ane inconsiderable trade, Downe and Portsoy, seaports and burghs of barronie.”<sup>1</sup> In next

<sup>1</sup> Records of Convention of Royal Burghs (1677-1711), p. 643.

minute the burghs of Balvenie, Newtowne of Edinglassie and Carnousie are omitted, probably because they were so inconsiderable, while the burghs of Fordyce and Rathven are added, though not named in the Convention list.

ATT ffordyce the last of Appryll Jajvjj& yeres. Sederunt of Comissioners of Suplie of Banfshyre—Sir John Gordone of Park, Charles Gordon of Glengarrock, Alex<sup>r</sup>. Duff of Bracco, James Dunbar of Durne, Sr James Abercrombie of Birkenboig, Mr. William Joass of Coleonard, Nicolas Dunbar of Castelfeild.

The said day the Commissioners of Suplie abovev<sup>r</sup>ine conveyed for the tyme have nominat and chossen Alex<sup>r</sup>. Duff of Bracco to be preses to this present meitteing.

The said day the act of the Comissione of Parliament for setleing the communication of traid daited at Ed<sup>r</sup>. the twentie day of Merch last bypast wes presented to the saids Comissioners, q<sup>r</sup>by conforme to the import yrof they have caused emitt intimatione at the hail paroches churches of the shyre, requireing the hail inhabitants of the brughs of regalatie and barronie and uys unfree traiders to meet this day and place, in order to the receiving from them and to hear what everie brugh will offer and undertake to pey of the taxt roll of ane hundreth pundis of the royall burrowes for obtaining the communicatione of traid mentioned in the said act and former acts of Parliament wherto the samen relaits made yranent, and to hear what the royall burrowes within the said shyre shall object against the said offers, and to receive and consider what arguments probatione or evidence may be aduced hinc inde for the better staiteing and adjusteing of the said quota, and sett downe yr opinione yranent, and to report yr opinione yranent to the Comissione of Parliament or yr Clerk against the first of Junij next to the effect and with certificatione in maner mentioned in the said act of the Comissione of Parliament for setleing the said communicatione: The Comissioners efter consideratione and full inquire find that there is not ane brugh of regalitie within the whole Shirreffdome of Banff, and so there can be noe offer made be or for them: Compeired Sr John Gordone of Park for his brugh of barronie of New Park and protested that he may be freed and the burges of his brugh of the stent imposed preceeding Mertimas Jajvj& and nynie nyne and in tyme comeing, in respect two of the traiders of his brugh

were burges of Banff and peyt scot and lot to the brugh of Banff for there tradeing, and ane stent being latly imposed and thraitned with ane pānlie was forced to pey in fyftie pundis to ther nominat colecter James Paterson in respect of the said burden and stent presently peyed: Q<sup>u</sup>nto ansered be the Provost of Banff, that the said two, although made burgesses of Banff, there admission could allow them no further but within the towne of Banff and liberties and teritories to trade, and that the inhabitants of brughs of barronie and such as shoemakers traidsmen weavers and sellers of sush were lyable in the stent; and what wes done wes exactly conforme to the commissione and act made yranent and imposed be fyftein honest men enclosed in ane room for that end. Replied be Sr John that he conceives the act does not reach traidsmen nor retaillers. Tripleyed be the Provost of Banff that he oppones the act and the executiones of the executer attested by his oath befor the Shreff, tho it is alleadged the intima<sup>n</sup> was blank.

The Comissioners of the shyre have in obedience to the act of the Commissione for setleing the comunicatione of traid mett this day to hear what everie brugh of barronie and uyr unfree trader within the sd shyre wold offer and undertack to pey of the taxt roll of the royal burrowes for obtaineing the comunicatione of traid conforme to the act of Parliat, as also the Provost and ballzies of the brughs of Banff and Cullen, the only two royall brughs within the said shyre, and being heard to object agst the offers underw<sup>r</sup>ine, the saids Comissioners haveing called the sēall brughs of barronie they made offer of the particular offers following viz: Sr John Gordone of Park for his brugh of barronie of Newpark two pennies Scots of the taxt roll monethly, the laird of Boyne for Portsoy, ane brugh of barronie, made offer of three pennies Scots money of the taxt roll monethly, the laird of Glengarrock for his brugh of barronie of New Millne halfe ane penny monethlie, the towne of Keith ane penny Scots monethly, the brugh of barronie of Rothemay halfe ane penny money monethly, the towne of Downe halfe ane penny Scots monethlie, the Earle of ffindlater for the brugh of barronie of ffordyce penny Scots monethlie, the brugh of barronie of Rathven belonging to the deceist James Hay of Rannas penny Scots money monethly; as also the sd Comissioners haveing found that there is noe brugh of regalitie within the sd shyre, and that noe oyr unfree traider wold make any

offer notwithstanding of dew and legall intimatione made for that effect to this day and place, as also the saids Comissioners of Suplie doe humblie represent to the sd right hoñall the Comissioners of Parliament that the sds brughs of barronie above narratted are altogidder mean and depauperat without any immaginable trade and of werie few inhabitants and those werie mean and poor, and that they have noe seaports nor harbours except the brugh of Portsoy laitly builded q̄ch hes but one or two inhabitants, yet for incouragment of traid and comunicatione yrof they humblie make the offers abovewrine, q̄ch wee think is truelie more nor they are able to pay, yet in hops of better traid they have come the lenth forsd, and expects that the hoñll Lords of the Comissione will accept and approve of the samen: Compeired the Magistrats of Banff and Cullen and did acknowledg the meanes of and low conditione of the brughs of barronie within the shyre, and that there are noe brughs of regalatie, nor seaports nor harbours except what is above narratted, by which it may appear the quota laid one upon the shyre of Banff of the taxt roll for unfree traid is considerablie and unsupportablie heavy, yet they understand that the brughs @wrine offers may bear each of them some small proportione more nor what is offered, in respect traid hes bein discouraged by ane long warr and ane great and unsupportable dearth, both q̄ch, praised be God, are now removed, and the offers look only to the discouradgeing pairt and not to the benefite they may reap by this comunicatione of traid, alwayes protesting that none shall have the benefite of this comunicatione except such as are actuall residenters and inhabitants of brughs of barronie and burgess yrof: To q̄ch it is humblie represented and ansred be the brughs of barronie forsaid, that they attest the Magistrats as to the werity and treuth of what is above, and that evin in the tyme of the most profound pace that has bein past memorie of man the saids brughs of barronie have never any forraigne traid nor are able to putt so much as ane boat to the sea, but what offer is made is only for the encouradgement of traid and for freeing them of futur servitud: The Comissioners of Suplie haveing considered the forsaid offers, and haveing heard the objectiones made be the burghs royall against the samen, they give yr oppinione that the saids brughs of barronie have made ane werie free and frank offer q̄ch they expect the hōll Comissione of Parliament will redilie accept of it, being more out



of futur hops then out of any present adwantage they make the sd offer, and ordaines this present act to be extracted be there Clerk as there report and opinione of the premiss, and to be transmitted to the Comissione of Parliament or there Clerk betwixt and the first of Junij nixt be the Earle of ffindlater.

Two months cess payable at Whitsunday stented at £3:14:6 Sc. monthly, including a quarter months cess payable to the Lords of Counsel and Session, and £11 stg. paid out by the Collector.

A. DUFF.

SEDERUNT of the Comissioners of Supply of the shyre of Banff conveyned at ffordyce the last day of Julij one thousand and seavin hundreth yeires. Comissioners present—The Earle of ffindlater, My Lord Boynd, Birkenboig, Nicolas Dunbar of Castelfeild, The Laird of Bracco, The Laird of Troup, The Laird of Glengerack, The Laird of Durne younger, The Laird of Colleynard, Patrick Duff of Castel[toun], who all choised the Earle of ffindlater as preses.

The Lambas cess ordered to be stented and uplifted.

BREWERS' MONTHLY ENTRIES, 1700.

The Comissioners also, according to the former divisione of the shyre in thrie districtes Banff, Cullen and Keith anent the excyse, doe ordein the Comissioners formerly named for each of the sds districtes to meet and conveyn at the sd rexive places upon Tuesday nixt the first Tuesday of August nixt to come, and upon the first Tuesday of every moneth thereafter to receive from all the brewers compeireing entries of their beer browen and sold and to be browen and sold by them, and give decreits and sentences to the tacksmen and collectors of excyse according to law and the Counsells acts yranent. . . .

The Comissioners recomends to Colleynard Casteltoun and Castelfeild and to John Donaldsone to get up the shyres papers q̄ch ware in Captane Baskein late Clerk his hands from any havers thereof, and the samyn to be keeped by Jon Donaldsone till the nixt meiting.

FFINDLATER, I.P.C.

SEDERUNT of the Comissioners of Supply of the shyre of Banff mett at ffordyce the nynthteinth day of November one thousand and seavin hundreth yeires. They are to say—My Lord Boynd, Sir William Dunbar of Durne, Nicolas Dunbar of Castelfeild.

The Martinmas cess stented at same rate as the Lambas cess, viz., £3:3/4 Scots, John Donaldson acting as Clerk.

#### EGYPTIANS AND SORNERS.

Ordeines advertisment to be given to al persones to sease and apprehend all Egyptianes sorners vagboundes and louse idle persons, who can give no account of their leveing, wherevir they can be apprehendit within the shyre, and present them to the Shirreff that justice may be done on them, and to prohibit all persones to recept them, with certifica<sup>one</sup> the receptors and ther masters shall be persued and punished according to law by confiscatione of moveables and reparacione of . . . . and damnges, and these intimationes are ordeined . . . . upon the deficientis conforme to the lists of deficientis, the samyn to be intimat to ilk deficient upon the end of ilk intimatione. And anent the petitione given in by the toune of Banff craveing the shyre would grant to them some recompence for the paines expendit and trubell they have bein at in guairdeing the Egyptians<sup>1</sup> these threitten weikes bygon and frieing the Comissrs of the trouble and expense, the Comissioners present doe think it most just and reasonable that the toune be recompenced and doe acknowledge a favoure to the countrey by the toune, and doe judge that the Comissioners and heretors doe franklie grant fyve shillings Scots money upon each hundreth poundes of valued rent of the shyre to be uplifted with the nixt cess, and have given a delyveranc<sup>e</sup> on their bill to this purpose. The Comissioners order the papers taken up by Jon Donaldsone from Captain Baskein late Clerk his sone conforme to the recept given by him to Alex<sup>r</sup>. Basken to lie in his handes till nixt meiteing.

PATRICK OGILVIE.

W. DUNBAR.

NICOLAS DUNBAR,

<sup>1</sup> See pp. 104-5.

The Comissioners fords doe revive the former actes of the Justices of Peace anent the pryces of shoes and uyr workmens work and fles, and pãrlie anent the pryce of shoes q̄ch according to the old actes is . . to be tualve pennies each insch of made work best leather for single soled shoes, and appoynts intimationes to be made thereof with certificatione all contraveiners shall be conveyned and proceedit agst according to the sds old acts of the Justices of Peace. . . .

PATRICK OGILVIE.

W. DUNBAR.

NICOLAS DUNBAR.

#### JOHN DONALDSON APPOINTED CLERK TO THE COMMISSIONERS OF SUPPLY.

Next minute records the formal appointment of John Donaldson, writer in Banff, as Clerk to the Commissioners of Supply, in room of Captain Basken deceased. Donaldson's position was not very secure, and he was superseded in January 1706, when Burdsbank's son Patrick was appointed in his place. A letter of Burdsbank to Findlater of December 1702 shows that, even so early, interest was being made for Patrick Leslye. Donaldson emerged again in the "Fifteen," when he acted as factor for G. Gordon of Carnousie, the Collector appointed by the Earl of Mar to collect the county cess levied by the Jacobites.

BANFF the Tuantie seávinth day ffebrij Jajvij& and one yeires.  
Sederunt of the Commissioners of Supply of the shyre of Banff present — My Lord Boynd, Master William Joass of Colleynard, Sir William Dunbar of Durne Baronett, Patrick Duff of Castletoun, John Innes of Edingeith elder, Nicolas Dunbar of Castelfeild, who all choised my Lord Boynd preses of this meiting.

The saids heall Comissioners elected and made choice of John Donaldsone wrytter in Banff to be Clerk to the Commissioners dureing the continewance of the present imposed cess, who made faith de fideli and took the oathes usuall and qualified according to law.

#### STENTING THE CESS AND EXPENSES OF BANFF IN GUARDING THE GIPSIES, ETC.

Of the twelve months cess imposed by the act of 31st January 1701, two terms to 1st March and 1st June 1701 were stented, together

with five shillings (2/6 for each of said terms) to reimburse the burgh of Banff for expenditure exceeding £400 Scots in guarding the Gipsies, and Collectors and Clerks fees and Post dues—making in all £3: 5/10 Scots on each £100 Scots of valued rent.

The meeting revived the former acts of the Justices of Peace, including those anent Gipsies.

And the heall Comissioners have desyred my Lord Boynd to subscriye this their act for them as preses.

PATRICK OGILVIE, I.P.C.

#### THE COLLECTOR'S DISCHARGE AND BOND OF CAUTION.

FFORDYCE the 27th of May Jajvij& and one yeires. Sederunt of the Comissioners of Supply of the shyre of Banff present viz.—The Earle of ffindlater, Mr. William Joass of Colleynard, The Laird of Durne yor, Nicolas Dunbar of Castelfeild . . . who choised the Earle of ffindlater preses. The last sederunt red.

Discharges to the Collector of cess by the Depute Receiver for the amounts due at Whitsunday Lambas and Martinmas were produced. The Collector gave in a bond of caution with John Ogilvie, Collector of Customs, Inverness, and James Stuart at Reidhythe as his cautioners for the twelve months' cess imposed by the act of January last. The sum of £75 Scots disbursed by the Commissioners' agent James Baird, Edinburgh, on account of the Gipsies was ordered to be stented. The cess as stented at last sederunt was continued, and the contribution of a half crown rate to Banff to be collected in June was put off to November. A sum of £40 Scots paid by the Collector for removal of a party quartering on the shire was stented on those deficient.

And this their act is subscriyed by the Earle of ffindlater preses in name and at desyre of the remanent Comissioners. The Comissioners reviewes the former acts anent the Justices of Peace and the Gipsies, and ordeins the Clerk to insert the same in the intimations.

FFINDLATER, I.P.C.

#### TACKSMAN OF EXCISE AND BREWERS.

ATT Banff the seavinth day of October Jajvij& and one yeares. Sederunt of the Comissioners of Supply of the shyre of Banff pñt viz.:—Sir Jon Gordon of Park Knight and Barronet, Mr. William Joass of Colleynard, and Nicolas Dunbar of Castel-

feild, who all in one voice choysed the sd Sr Jon Gordon as preses.

Anent the intimationes by order of the Earle of ffindlater Conveiner and the sd Nicolas Dunbar Shreff deput sent throw the heall Comissioners for meitting this day and place in obedience of the Counsells proclamatiōne dateit the fyfth day of August last past anent the excyse: The Comissioners considering that no tacksmā collector or subtacksmā of excyse did compeire, and that severall brewers haveing tacks think themselves by their tacks secure, they judge and think proper that all brewers haveing tacks shall not be troubled with any meiteinges dureing their tacks, but only at such tymes as they shall be called by the tacksmen for payment of their quarterlie excyse, and such as have no tacks, in respect no tacksmā appeires, the Comissioners liberat them of any non entries untill the nixt sederunt, q̄ch they appoynt to be at ffordyce on Tuesday the fourteenth instant, to q̄ch day the Comissioners present, in respect of the small number conveined, doe adjorne this meiteing, and ordein the Clerk to send out intimationes thereof to the sd 14th instant requyreing the Comissioners to meit punctuallie ffor the ends forsd, and also for stenting the nixt tuo monethes cess, and for appoynting Justice of Peace courtes. And the sd preses hes comanded their Clerk to subscribe the present act.

ATT ffordyce the fourteenth day of October Jajvjj& one yeares. Sederunt of the Comissioners of Supply of the shyre of Banff, viz.:—The Earle of ffindlater, The Lairds of Birkenboig, Durne younger, Kinminitie, Glengerack, Colleynard and Nicolas Dunbar of Castelfeild Shreff deput, who all choised the sd Earle of ffindlater preses.

#### THE CESS.

And they all ordein the cess for the two monethes due the first of November nixt to come to be payed in to Nicolas Dunbar of Castelfeild their Collector, and doe stent divyde and proportionē the same as followes viz: at thrie poundes and fyve shillinges Scots money upon each hundreth poundes of valued rent of 79200 pounds of valued rent of the shyre, out of q̄ch the cess is to be payed primo loco, the Collector and Clerks fles in the nixt place, and tualve shillinges Scots money

weiklie from the sd first of November nixt to ane Post to be esteablished to goe from Banff to Keith for carieing letters to and from that place to Banff, thence to be conveyed to Edr and elsewhere by post for the ordinarie postage; and the remanent of the sd thrie poundes and fyve shillinges the Comissioners allow to Castelfield for his paines and expenses anent the Gipsies; and the Comissioners do at this tym suspend the second moyetie of the money q̄ch was granted to the toune of Banff anent the Gipsies untill further conveinencie and consideration. . . .

#### POLL MONEY.

Lykeas the said Nicolas Dunbar hes given in . . . ane receipt and obleighment by William Cochran of ferguslie to the collector beareing Jon Laynge factor for ferguslie his receipt ingrost verbatim of the Pole money in año 1699 yeires. The obleighment and receipt is dateit the tuantie nynth day of November 1699 yeires, as also the extract of ferguslies factorie to the sd Jon Laynge regratd in Banff the 19th day of May 1699 yeires, and the Pole book of the shyre of Banff for the yeire 1700 with the said William Cochran his receipt on the end yrof dateit the 6th of August 1701, which heall wryttes the sds Comissioners have given in to their clerk to be kepted by him and made furth comeing when requyred; and ordeines extractes heirof to be given to the sd Nicolas Dunbar under their clerkes hands, q̄ch shall be sufficient warrand and discharge to him thereanent.

#### SERVANTS' FEES.

ffurther the Comissioners doe revive the fformer actes of the Justices of Peace anent servantes fies and the lyke, and now as off befor divydes the shyre in thrie districtes viz. Banff Cullen and Keath, appoynteing the parishes of St ffergus, Gemrie, Banff, Alvach, Inverkeithnie, fforglen, Aberchirder and Rothemey to the district of Banff; and Bellie, Rathven, Deskfoord, ffordyce, Boyndie and Ordewhile to the district of Cullen; and the remanent parishes of the shyre to the district of Keith, and appoyntes the Comissioners of ilk district to meitt at their severall districtes on the first Tuesday of November nixt to come for the first dyett, and to appoynt clerkes and officers and all uther members of court necessar and from tym to tym to adjorne; and the Comissioners grant warrand in the rēxive districtes to issue comandes and citationes

to ilk heretor to cause their ground officers call in befor the severall districtes all tennents servantes and wthers for takeing tryall of delinquents and breakeres of the saids actes and statutes . . .

FFINDLATER, I.P.C.

#### THE EXCISE ON MALT, ALE AND AQUA VITAE.

The act of Parliament of 29th March 1661, which annexed to Charles II. for life a long list of customs and excise duties, was continued by the act of 6th September 1671, which annexed to the sovereign for five years after the death of Charles these duties, the excise of two merks on each boll of malt brewed and sold as ale or aqua vitae being specially mentioned. These acts were re-enacted<sup>1</sup> in the first session of James' Parliament in 1686, when the old excise was annexed to the king and his lawful heirs and successors for ever. This old excise was accordingly carried over to William III.

After the Revolution on 5th May 1693<sup>2</sup> Parliament, in addition to the above excise so annexed to the crown, on the narrative that the greater number of forces then to be levied required support, voted an excise of three pence on each pint of ale and two shillings on each pint of aqua vitae made of malt, from 1st June 1693 to 1st May 1695, the tax to be paid quarterly. To raise, order and inbring this tax the Commissioners of Supply of the various counties were designated the Commissioners of Excise. Questions arising between brewers and tacksmen were accordingly regulated by the Commissioners of Supply.<sup>3</sup> After the expiry of this additional excise, Parliament, on 25th July 1695,<sup>4</sup> as war was still in progress, continued the impost, with this modification that the additional excise on beer was reduced to twopence per pint from threepence. Further, on the narrative that greater consumption of liquor and better quality would arise for all concerned if the old excise on malt were laid on liquor, the excise of two merks per boll of malt was converted into a tax of threepence per pint of ale and three shillings per pint of aqua vitae brewed from malt. The Commissioners of Supply were continued as the Commissioners of Excise.

The excise act of 1696<sup>5</sup> continued the additional excise at the modified rate of one penny on the pint of ale and one shilling on the pint of aqua vitae for the year from 1st March 1697 to 1st March 1698, and at three pennies on the pint of ale and three shillings on the pint of aqua vitae from 1st March 1698 to 1st March 1699. To enable the additional excise and the old annexed excise to be collected, the retail

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VIII., p. 460.

<sup>2</sup> Ibidem, Vol. IX., pp. 254-5. <sup>3</sup> See pp. 172-176.

<sup>4</sup> The Acts of the Parliaments of Scotland, Vol. IX., pp. 451-2.

<sup>5</sup> Ibidem, Vol. X., pp. 31-2.

prices of ale and of aqua vitae were fixed. The Commissioners of Supply were appointed to raise and inbring the tax. They were also directed to be judges of the entries of all brewers and the control thereof, and were authorised generally to dispose of all questions arising between tacksmen and brewers. They were directed to see that there was no quartering for arrears of excise except by their order. Penalties were further imposed on tacksmen if they levied the excise on malt and not on liquor. This resume may somewhat elucidate the former references to excise in this chapter, and those occurring in the following minutes dealing with brewers' renunciations, entries etc. For further information on Scots ale and aqua vitae, reference is made to Dr. Cramond "On Scots Drink," and Sheriff Scott Moncrieff's note on the early use of aqua vitae in Scotland in the Proceedings of the Society of Antiquaries of Scotland, 10th April 1916.

BANFF 29th of Jañry 1702 yeires. Sederunt of the Comissioners of Supply of Banffshyre. Convened—The Lairds of Troup and Colleynard and Castelfeild Shreff deput of Banffshyre.

The sd day compeired Robert Strachan in ffindon, James Mair at Overmylne, William Willox in ffarniebrea, and Andrew Greig in Minonie, and Janet Durham spouse to William Chalmer in ffindon, and produced ane renunciatione of their breweing after the first of March nixt to come conforme to their renuncea°nes dateit this day and date, also compeared James Cock, Toune Clerk of Banff, and produced ane renuncia°ne of the date and contents abovew̄rin and craived to be fried of breweing thereafter: Compeired Jon Donaldsone for Captain Grant of Kirdells, Collector of the Excyse of Banffshyre, and alledgit this day is not a day to the purpose, seeing ilk first Tuesday of every moneth are appoynted to make entries and consequently to make renuncia°nes, and this being the last Thursday of Janry, it is no day to this purpose. 2<sup>do</sup> He is not called to that purpose. 3<sup>io</sup> The heādes and narative of the renuncea°nes are not made appear. 4<sup>to</sup> The actes of Par. and Counsell are not fulfilled by giveing surties in the tearmes yrof. Where to James Cock for himself and in name of the uyr brewers answrs, that albeit entries be appoynted to be given ilk first Tuesday of the moneth, yet renuncea°nes may be given in pñs of two Comissioners at any tym conforme to actes of Par. and Counsell. 2<sup>do</sup> There is no necessitie to call the Collector, being only obleigt to renounce in presence of two Comissioners. 3<sup>io</sup> There is no neid to make the heads of the



renuncea<sup>ne</sup> appeir farder then is conteined in the renuncia<sup>nes</sup> themselves. To the fourth:—There is no necessitie for giveing suirtie, neither does the law requyre save only not to brew for fyve yeires therafter which they will not refuse, but, if there be necessitie of suirtie, they offer sufficient suirtie in the tearmes of the law. The Comissioners haveing considered the renuncea<sup>nes</sup> admittes yrof, and repelles the objectiones in respect of the ansrs thereto.

ALEXR. GAIRDNE.

W. JOASS.

NICOLAS DUNBAR.

Day foirsd Janet Durham spouse to William Chalmer in ffindon produced ane renuncea<sup>ne</sup> of the tearme foirsd, as also Jon Geddes, Walter Davie, Jon Davidson, Robert Mertimer, Alex<sup>r</sup>. Mooresone and W<sup>m</sup>. Strachan brewers in Banff gave in ane renuncea<sup>ne</sup> of the lyke tenor and contents, agt qch the former objections were proponed with protestatione to ad farder, which the Comissioners admittes and repelles ut supra, and admittes the renuncea<sup>nes</sup>.

ALEXR. GAIRDNE.

W. JOASS.

NICOLAS DUNBAR.

ATT ffordyce the tenth day of ffebry 1702 yeirs. Sederunt of the Commissioners of Supply of the shyre of Banff. Present—The Earle of ffindlater, The Lairdes of Park, Durne, Birkenboig, Kinminitie, Dunlugas, Durne younger, Colleynard, Edin-geith, Glengerack and Castelfeild, who by pluralitie of voices choised the Earle of ffindlater preses.

#### ACTION BY THE TACKSMAN OF THE POLL FOR QUADRUPLE.

Anent the actione intentit by Hugh Cochran brother to and factor for William Cochran of fferguslie, Tacksman of the two Poles in @nn 1699 and 1700 befor the Shirreff of Banff ffor the quadruples off the Pole collet<sup>d</sup> due the saids yeires, alsweill agt those who have payed as against uthrs. Notwithstanding of the defence of prescriptione proponed against the same upon the last paragraph of the act of Parliatt, the heall Comissioners in one voice doe judge the prescriptione does defend those who have payed, and therefor orders the Shreff

deput to sist proces untill a retorne be had from the Counsell anent the same, and doe all judge it convenient and expedient that a gentleman be sent south with recomendationes from the Earle of ffindlater and orders and intimationes given him to consult advocattes and petitione the Counsell thereanent. And all doe name William Dunbar younger of Castelfeild to be the man to go about the same, and appoyntes to him the sowme of two hundreth poundes Scots ffor his paines, and his depursements to be stented and inbrought with the nixt tearmes cess, and rekomendes to the Collector to make advances to that effect, qrof he shall be reimbursed out of the fondes foirsd.

#### SERVANTS' FEES.

The Comissioners foirsd doe enact statute and ordeine that the Justices of Peace of this shyre doe meit at their severall districtes upon the first Tuesday of March nixt to come, and there revive and putt in executione the former actes statutes and rules made anent servantes fies and uther thinges of that nature; and Sir Jon Gordon of Park hes friedome to joyne himself to any district he pleases.

#### THE POST FROM BANFF TO ABERDEEN.

The saids Comissioners also in relatione to the Post Office ordein a rüner to be established from Banff to Aberdein from the shyre, haveing the former allowance given to postes off befoir weiklie, which is to be laide on with the nixt termes cess; and ordeines the Collector to advance money to the sd rüner, the towne of Banff alwayes keeping a rüner from them as befoir.

FFINDLATER, I.P.C.

#### REGULATION OF WAGES BY JUSTICES OF THE PEACE.

By the ruling statute passed on 9th July 1661, regulating the powers of Justices of the Peace,<sup>1</sup> these in their various counties were directed to convene four times each year in quarter sessions on the first Tuesdays of March, May, August and October, and inter alia "by mutuall and conjunct advice make and rectifie ordinances for the fies of servants, shearers in harvest and other labouring men, appoint prices for all handie crafts, elect or continue constables, etc." A later section of the statute with some redundancy and a contradiction in

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VII., pp. 308-9.

naming February as a date for quarter sessions continues:—"They shall appoint at the quarter sessions to be kept in August and february the ordinarie hyre and wages of labourers workmen and servants, and who shall refuse to serve upon the price set down by them shall be imprisoned and further punished at their discretion." They were further authorised to set a price upon "craftsmen work . . . together with the price of shearers fees and to punish the contraveeners as appearteaneth." At this period, when the economic state of the country was just emerging from a long foreign war and a succession of bad harvests, there seems to have been more than usual activity on the part of justices in ordering the wages of workmen. These powers of fixing wages were repealed by 53 Geo. III. c. 40.

#### APPOINTMENT OF CONSTABLES.

In consequence of this revived interest in servants' fees, constables were freely appointed in the various parishes of the county as executive officers of the Justices. Their powers were early regulated by the 8th act of the 22nd Parliament of James VI. (1617), and subsequently by the act of Charles II. (1661) above noted. Constables were chosen by the Justices of Peace in quarter sessions, two or more for each parish, and were in their respective parishes the executors of the precepts and warrants of the Justices of Peace.

Banff the 3d of March 1702.

SEDERUNT of the Commissioners of Supply and Justices of Peace of the shyre of Banff viz.:—Robert Grant of Dunlugas and Mr. William Joass of Colleynard and Alexr. Leslie of Kininvie, who haveing this day mett conforme to the last act and ordinance of the Commissioners of the tenth last past.

The saids Commissioners and Justices of Peace have named the followeing persone in each parish to be constables to the sds Justices, viz., in Banff parish George fforsyth in Culbuchlie, James Simpson in Blairshinach, and Walter Gate at Mylne of Ealehouseburne. In Alvach parish Jon Brodie at Mylne of Brydock, Alexr. Mylne at Mylne of Alvach, James Syme in Dunlugas and James Ogilvie in Newtown. In fforglen parish George Wobster in Kirktown of fforglen, George Cow in Altoun of Carnowsie and George Gairdne at Mylne of Ribrae. In Aberchirder James Barron in Tillifafe, James Abernethie of Barrie and John Adam in Cranno. In Rothemey George ffordyce in

Achincreive, Patrick Grant in Achincleish, George Allan in Turttrie. In Gemrie James Wood in Doune, William Measone in Cushnie and James Ross in ffortrie. In Inverkeithnie Gavin Low in Balnoon; and in St. ffergus and fletterangus the Earl Marischalles chamberlane to name such as he pleases and ffinds convenient; all whom the sds Justices of Peace doe ordein to be warned by ane order to be sent out by the Clerk to the readers of each of the saids parishes to be read on a Sunday after divyne service befor the day after mentionat, to compeir befor the sds Justices of Peace at Banff upon the seavinteinth day of March instant to accept of the sd office, and to make faith de fideli, and also to bring with them dilationes of all irregular fieinges of srvantes, extravagant fies and pryces of workmens work and wages contrarie to the former acts and regulationes of the sds Justices, and specialle of those who have unseasonable and unwarrantable fied against the nixt terme, with certifica<sup>ne</sup> all neglecters of these orders shall be lyable according as the sds Justices shall sie cause. The saids Justices doe enact that no servant doe lye idle on account of harvest fies, with certifica<sup>ne</sup> they shall be fyned in ten poundes Scots toties quoties, and the challenger shall have right to the idle persones srvice at the rates of the sds actes and regulationes, and that no minister doe give testificates to any persones pretending to goe out of the district for service elsewhere, and such as shall without testificattes goe and leave the district it is declaired laüll for the constables or any uther persone to apprehend them and present them to the nixt Justice of Pace, till they find suirtie for their deportment according to law. And the sds Justices have subscryved this their act.

ROT. GRANTT.

W. JOASS.

ALEXR. LESLIE.

Banff 23d of Aprill 1702 yeires.

SEDERUNT of the Comissioners of Supply and Justices of Peace of the shyre of Banff within the District of Banff conveyned viz.: Dunlugus, Colleynard and Kininvie, Provost of Banff.

Haveing this day mett according to the last appoyntment, and the Clerk haveing given in ane extract of the old actes of the Justices of Peace in this shyre made in @no 1665 with ane extract of the actes

and regulationes of the shyre of Aberdein, which being considered by them they ffind they cannot of themselves enter the old actes of the shyre, the samyn haveing bein by several of their former actes revived, unles the samyn be done in ane publict meiteing; and yrfur till new alterationes be made of the sds regulationes by the generall meiteing appoynted at ffordyce on the fyfth of May nixt to come (if any shall be), they ordein their Clerk to send to each parish of the district ane double of the sds old actes and regulationes to ilk parish within the district, and appoyntes the second Tuesday of Junij nixt to come at this place to be their nixt meiteing, and the heall constables to conveyin and be present that day, and the Clerk to adverteis them yrof and to bring in dilationes and give citationes to persones contraveiners as the [y] will be ansrable. They doe admitt Alexr. Blaickett in Deyhill to be one of their officers within this district who compeireing made faith de fideli. The constables compeireing made no dilationes because they have not yet received instructiones and informatione of the actes and regulationes. But the heall constables are ordeined to be punctuall and keip at the nixt meiteing as said is with certificatione.

ROT. GRANTT.

W. JOASS.

ALEXR. LESLIE.

ATT ffordyce the ffyfth day of Maij Jayvij& and two yeires. Sederunt of the Comissioners of Supply and Justices of Peace of the shyre of Banff viz.—The Earle of ffindlater, Sir James Abercrombie of Birkenboig, Sir William Dunbar of Durne, Barronettes, The Lairdes of Durne younger, Kinminitie, Glen-gerack,<sup>1</sup> Colleynard, and Castelfeild, who all choised the Earle of ffindlater preses.

#### THE OATHS OF ALLEGIANCE AND ASSURANCE.

The sads heall Comissioners in obedience to the late act of Councell for takeing and sweareing the oath of alledgeance and subscrivveing the same with the assurance with their Collector and Clerk have sworne the sd oath and sub<sup>d</sup> the same and assureance in maner followeing:—

[See facsimile of oaths and signatures in adjoining illustration.]

<sup>1</sup> The name is interlined in faint ink.

## THE STENT TO BANFF AND THE CESS, ETC.

Thereafter the last sederunt of the 10th of february last being redd, as also ane former act of the 27th of february 1702 yeires anent ane stent to the toune of Banff of two shillinges and six pennies Scots on each hundreth pounds rent at two tearmes, the first tearme yrof being payed, it was voted whither or not the sd act should be continowed for the second of the sds tearmes or be rescindit. The Com<sup>rs</sup> by pluralitie of votes rescind the sd act as to the sd second moyetie and as to the sd last sederunt.

William Dunbar compeireing gave account to the heall Comissioners present of his diligence in his negotiation thereby comitted to him, whereof the Comissioners doe approve, and besyde the reward formerly proposed to him q̄ch is to be payed in maner underw̄rin they give him their thankes publictly, and doe ordein the two monthes cess payable at Witsunday nixt and the uther two payable at Lambes thereafter to be stented and proportioned as followes viz.: Thrie poundes six shillinges and six pennies Scots mōey ffor the nixt ensueing Witsundayes tearme, and thrie poundes six shillinges and eight pennies money forsd ffor the sd tearme of Lambes thereafter, out of q̄ch they ordein the cess being elevin hundredth and fyftie poundes four shillinges Scots money monethlie, and the Collector and Clerk fies being thrattie pound sterling in the yeir, and qrof two pairtes are to be collected at the sds tearms (the uther third pairt being left till Mertimes nixt) and the Post dues being thriescoir two poundes eight shillinges money forsd to be divydit as said is, and the two hundreth pounds which was by the said last sederunt ordeined to be given to William Dunbar for his paines to be payed; and ordeines the Clerk to send intimationes throw the heall parishes of the shyre ordeineing all persones concerned to pay in the samyn to Nicolas Dunbar Castelfeild their Collector betwixt and the twantieth day of May instant under paine of poynding and quartering. As also recomends to Colleynard to stent on the deficiencies the deficiencie payed by the Collector to the partie sent to quarter for the last tearmes cess, and ordeines intimationes yrof to be sent out with the sd nixt tearmes intimatione.

## THE HARVEST FEES OF SHEARERS.

The sds Comissioners as Justices of Peace doe ordein that the fies

to be given to shearers in harvest tym shall be ffyve poundes the best man hooke and fyve merkes the best wooman hooke without any more, and proportionallie to uther hooke of lesser abilitie, and that no hooke shall be fied for heireafter befor the tenth of Junij: Declaires all huikes alreadie fie or to be fied befor the sd tent day of Junij the engadgement to be null and both parties to be fyneable according to law, and ordeines srvants and masters to attend the rēxive dyetts to be appoynted to them by the Comissioners or constables as they shall appoynt for cleireing themselves upon oath both as to the former regulationes and also as to this anent harvest fies includeing tradesmen. They also declair the regulationes off befoir made to comence at Mertimes last past notwithstanding any ingadgement made, and these also to be intimat with the intima<sup>o</sup>nes anent the cess. And the Comissioners desyre and give their authoritie to the Earle of ffindlater their preses to subscribe this their act.

FFINDLATER, I.P.C.

#### APPOINTMENT OF PARISH DEACONS OF CRAFTS.

Banff 9th of Junij 1702.—Sederunt of the Justices of Peace of the District of Banff conveyned this day to witt Robert Grant of Dunlugas and Mr. William Joass of Colleynard. The said Robert Grant qualified and swore the oath of alledgeance to Quein Ann and subscriyved the samyn and assureance with the uther Comissioners. The court fenced as use is.

The sd day compeired James Horne in Easter Hagges, and did accept of the office of a constable and made faith *de fidei*. The Justices of Peace doe give comissione to the constables in each parish to choise deakons of craftes in each parish, and ordeines the heall constables and deakones to compeir and meitt att the nixt meiteing of the Justices, which they appoynt to be upon the second Tuesday of July nixt to come.

The Justices, because only two of the constables appointed appeared, and only five sent excuses, fined the remainder £50 Scots each.

ROT. GRANTT.  
W. JOASS,

SEDERUNT of Justices of Peace of the District of Banff holden within the Tolbuith of Banff by Robert Grant of Dunlugas and Mr. William Joass of Colleynard Justices of Peace the seavinteinth day of July Jajvij& and two yeirs.

The constables being called and most of them compeireing declaired they had chosen deakones of each craft within their parishes, who being all called and compeireand made faith de fideli administratione. And the constables being inquyred, if they had any dilationes to make of any enormities in their rexive parishes, declaired they have non save only that most of the fies are meane, and yrfor intreat the Justices present may represent the same to the nixt generall meiting of the heall Justices of Peace; and the Justices doe promise to doe the same, and to make intimatione to some of the neirest constables to attend the sd generall meiting, and till then the Justices continowes all matters and adjerne this meiteing till new appoyntment. Recomends to Craig Jonstoun to send in to the nixt meiteing two honest weill qualified men to be constables in place of the former.

ROT. GRANTT.

W. JOASS.

Though a new reign had commenced with the accession of Queen Anne on 8th March 1702, the old Convention Parliament elected in 1689 was summoned to meet on 9th June the same year. On 19th June it voted ten and one half months' cess to meet military and naval expenditure caused by the war of the Spanish succession. The Commissioners of Supply appointed then for Banffshire<sup>1</sup> were those named in previous sessions of this Parliament who had qualified and were alive, with the following additions:—George Gordon of Carnousie, Mr. Andrew Hay of Montblairie, James Gordon of Ardmalie, John Cuthbert of Brackinhills, William Gordon of Birkinburn younger, Alexander Abercromby of Glassa, John Dunbar of Kirkhill, James Duff of Cromby, Alexander Wilson of Littlefield, Alexander Abercromby of Skeith, Major Anderson of Westertoun. Writing<sup>2</sup> to the Earl of Findlater on 25th May 1702, Glassaugh asks him to "mind the adding of Commrs. of Supply and Justices of Pace to witt Carnowcie, Munblarie, Kirkhill, young Birkenburn, Cromie, Ardmelie and Meyen," which was thus substantially effected.

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. XI., p. 23.

<sup>2</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 354-5.



As the various Commissioners of Supply and Justices of Peace attended their first meeting in the new reign, they qualified themselves by taking and subscribing the oaths of allegiance and assurance, and their signatures were from time to time added to the act in the sederunt of 5th May 1702.

ATT Banff the 15th of October 1702 yeires : Sederunt of Comissioners of Supply of the shyre of Banff, Comissioners present—The Earle of ffindlater, My Lord Boynd, Birkenboig, ffgorglen, Troup, Kinminitie, Glengerrack, Edingeith, Colleynard, Burdsbank and Castelfeild, who all choised the Earle of ffindlater preses.

The Comissioners now present who ware not at the last sederunt viz., My Lord Boynd, ffgorglen, Dunlugas, Edingeith, Burdsbank did sweare the oath of alledgance and subscryve the samyn and assurance as also the Laird of Troupe.

The Commissioners fix the salary of the Collector at £20 stg., of the Clerk at £10 stg., and of the Post at £5 4s. stg. all yearly, to be collected with the cess. Cess due at Martinmas imposed.

The saids Comissioners also as Justices of the Peace doe appoynt ane meiteing of the Justices of Peace of the district of Cullen to be att Cullen on ffryday come eight dayes the tuantie third instant ; and doe prohibite and discharge any masters within the shyre to pay to any servantes or shearers any bygon fies or for this current terme due to them untill tuantie dayes be past after the terme of Mertimes nixt to come, that it be knowen who have contraveined the actes ; and doe appoynt the heale Comissioners of the uther districtes to appoynt peremptor dyetts within their owne districtes to meitt and putt the lawes in executione, and that under the penalties contained in the lawes made yranent.

The Collector produced two discharges from the General Receiver for the cess due on 1st March, 1st June and 1st November 1701, and at Whitsunday 1702. Intimation ordered through the several parish churches that the Martinmas cess be paid to the Collector immediately after the term.

FFINDLATER, I.P.C.

SEDERUNT of the Justices of Peace of the shyre of Banff within the Banff district, Justices present — My Lord Boynd, Colleynard and Kininvie, at Banff the 26th of Nover 1702 yeirs.

The said day John Dunbar of Kirkhill named one of the Comissioners of Supply and Justices of Peace of the shyre of Banff, by the act of Parliat 19 Junij 1702, compeireand, did swear the oath of alledgeance and subscryve the samyn and assureance as his subscription to the samyn in the act at ffordyce beares, and yrfor is admitted as Justice of Peace. And the sds Justices choised my Lord Boynd preses.

#### PENALTIES FOR CONTRAVENING REGULATIONS ANENT FEES, ETC.

The saids Justices haveing called severall of the tennents in the countrey for contraveineing the actes anent fies, and they at present pass by that pairt; but for the future appoynt and ordein that all servants shall for heireafter have the fies followeing, viz., the best man threttein merkes for fie and bunties and all uther thinges, and at the coast syde besyde the sd fie the wairer may have ane boll of beare or four poundes and fourtie pennies yrfor in the masters optione, dischargeing utterlie all buntiey rigges and soweinges, and the uther sort of servantes shall have proportionallie according to their service. Conforme to the former actes appoyntes all shearers in harvest to have as followes viz.: the best man hooke not above fyve poundes, and the best woman hook not above fyve merkes for all uther thinges, and lesser men and woomen huikes proportionallie less according to their service, which is to be in force for the last harvest and in all tym comeing, and the contraveiners both masters and servantes to be subject and lyable to ane fyne and amerciament of ten poundes Scots money toties quoties. Appoyntes and ordeines that from heireafter no master or servant shall fie or make any ingadgement but within fourtie dayes befor the tearme of their entrie, excepteing only such servantes as are in service, who may fie with their masters and their masters with them att any tym they please; and all hookes to be fied only after the tenth of Junij yeirlye conforme to former actes, and that entring servantes shall within fourtie eight houres after the rēxive tearmes of Witsunday and Mertimes enter to their service under paine of half a merk Scots

money ilk day they shall be absent thereafter, to be reteined by the master out of the first end of the fie, besyde such uther penalties as the Justices shall think fitt to impose on them. Item the Justices doe enact and ordein that all persones able and capable shall serve at the rates foirsd, and that non shall lye out of service on any pretence q̄tsūmr, nor enter to any trade nor labour any lande under a tuantie poundes pay except those who have service land, without ane testificat from tuo of the nixt Justices of Peace their handes. The Justices appoynt all shoes to be sold at the rates followeing viz., Tualve pennies Scots for ilk insh within the walt of best leather, and courser leather proportionallie less. And appoyntes intimationes to be emitted heireof again Sunday nixt requyreing all tradesmen to compeir befor the Justices of Peace at Banff again ffryday come eight dayes, and the constables to give up listes of the severall tradesmen within their rēxive districtes, and to cause cite them to the sd dyett on oath as they will be ansrable on their perrill, and appoyntes the readers in each parish to intimat this act from the letron on Sunday nixt after divyn service. And the Justices appoynt ane letter to be wryten and syned to the Justices of Peace of Aberdein and Murray shyres by my Lord Boynd, intreateing their concurrence and comunication with the Justices heir. And the preses in name and at desyre of the remanent Justices hes syned this act, day and place foirsd.

PATRICK OGILVIE.

Day foirsd James Ogilvie younger of Boynd Comissioner named off befor and Alexander Abercrombie of Glashauch named Comissioner by the above mentioned act of Parliat compeireing did sweare the oath of alledgeance and subscriye the same and assureance, as their subscriptiones to the samyn in the act of the 5th of May last past at ffordyce beares, and yrupon ware admitted Justices of Peace of Banff-shyre.

PATRICK OGILVIE.

The Justices of Banff District accordingly met on 4th December 1702, and disposed of cases of tradesmen contravening the regulations as to prices. These findings were entered on separate rolls, which, like the regulations, are unfortunately not now available. At an adjourned court on 18th December the findings chiefly in respect of servants' wages and tradesmen's prices are engrossed in the minute book, and

are given as of interest, and as illustrative of a phase of economic policy which is to-day, under the stress of war, reasserting itself in the control of food prices and of wages, etc.

SEDERUNT of the Justices of Peace of the shyre and district of Banff holden by Dunlugas and Colleynard Justices present, at Banff the 18th December of 1702 yeirs.

Anent the dilat<sup>ons</sup> given in by severall constables of the district upon the masters and servants and tradesmen underw<sup>rin</sup> for transgressing the actes: They called ware proceidit against and decerned and assoylied as followes viz., James Ogilvie of Logie present deponed he hes tuo srvants plewmen at 10 merkes fie each with tuo pair shoes ane shirt and a pair hose, and tuo uyr srvants, one ten pounds of fie for all, the uyr nyne merks with pair shoes shirt and hose and the sumering of a steir, which the Justices findes to be a transgression, and ffynes him in tuantie pounds and discharges him notwithstanding of his pactione to pay to his sd srvants any more then the fies allowed, and ordeines the sd srvants to be called and tryed.

Mr. Andrew Hay of Monblerie depones he is conforme to the actes and does not transgress, and yrfor the Justices assoylie him.

George Stuart in Rosieburne depones his best servant hes ten merkes, the uyr elevin merkes with shoes shirt and hose, and yrfor fyned and discharged conforme to Logie.

James Ogilvie in Newtoun and James Sym in Dunlugas purged and assoylied as Mr. Andrew Hay.

Jon Tayleir in Itlaw deponed he gave Robert Stuart six pounds and Margret Steinson seavin merkes of harvest fie last harvest, and gives James ffraser his srvant ten pounds of fie, and George Cock thrie pounds fie and 20s. for his rigg with shoes hose and shirt, ffyned and discharged as Logie.

Patrick Smith in Achinbedie deponed he promised 10 lb. 8s. of harvest fie to Thomas Murray and to Nan (?) fforgie his srvant thrattein merkes and fourtie pennies of fie and bountey.

Day foirsd Andrew Wobster fyned for absence on the 4th instant, this day reponed deponed negative, and purged himself of breach or transgression of the actes and assoylied.

Gilbert Leg weaver in Invereichnie confest takeing 3s. p. ell of sey for weaveing, and James Alexander, William Smith and Alexr. Moreson, weavers in Brydock and Blacktoun confest transgressing anent lineing weaving, also Alexr. Barkley weaver in Muriehill confest transgressing, and John Philp tayleor in Alvach confest taking 3 shillinges Scots for dayes work. Ilk ane of them ffyned in ten poundes Scots.

Andrew Gowan tayleor in Staneley absent, fyned in ten pounds.

Alexr. Adam shoemaker absent and fyned the sd last court day, this day reponed, purged of transgressing and assoylied.

Day foirsd the craftesmen, given up in list the last court day, called this day ware proceedit against as followes, viz. :—

William Steinsone in ffortrie, George Lumsden in Monblettoun, Arthur Leg there, George Jock there, all weavers, George Porter shoemaker in ffortrie, Jon Tayleor in Melröss and Wm. Black in Whytestaines, tayleors, John Philp in Seatoun of Cullen shoemaker, James Pringle in Midletoun, Wm. Pringle in Reidloup, Jon Nuckoll in Protstoun, Gilbert Harper in Northfield, Robert Tod in Dreadlein and James Smith in Cushnie, all weavers, James Anderson in Troupe, John Clerk in ffindon and George Strachan in Pitgair, shoemakers, and William Thomson shoemaker in Hiltoun, all severall tymes called and not compeireand ffyned and americiat ilk ane of them in ten poundes Scots money, and the severall ffynes above spec<sup>d</sup> decerned to be payed into the Prör fiscall or Collector of court within terme of law under paine of poynding.

Item James Leg in Avulds, Jon Murdo in Tarlair, George Legget in Bades, Alexr. Nuckoll there, Edward Mureson in Melross, weavers, Abraham Ranie weaver there, Thomas Anderson weaver in Lichnett, Thomas Kintie in Dreadlein, Alexr. Barber in Pitgair, Andrew Donald in Clintertie and George Reid in Smiddietoun, weavers, William Tayleor tayleor in Tarlair, Andrew Massie tayleor in Northfield, Thomas ffinnie in Minonie, Alexr. Massie in Greinley and Jon Nuckoll in Protstoun, shoemakers, and William Clerk in Minonie, all compeireing and Jon ffraser in Boighead shoemaker, and being sworne and examined purged themselves of transgressing the actes and assoylied.

The Justices adjourned the court to the fyfteinth day of Janry nixt to come.

Next minute contains a new act subscribed by those Commissioners of Supply and Justices of Peace, who after this date qualified by taking the oaths of allegiance and assurance.

#### GRANT OF KIRDELS.<sup>1</sup>

Alexander Grant mentioned in the minute was second son of John Grant, sixth laird of Ballindalloch. On 25th December 1676, saiseing was given to Mr. Alexander Grant, second son to Bellandalloch and Elizabeth Gordon, his spouse, of ane yearlie @rent of ane hundreth and twentie merks mōey to be uplifted furth of the cornemill of Balwenie. He was Sheriff Clerk of Moray, and on 25th August 1685 the Magistrates of Elgin<sup>2</sup> instructed the raising of letters against him for his frequent oppressions of the inhabitants. On 19th April 1686, the Town Council wrote the laird of Grant, complaining of him as tacksman of the Old Mylnes oppressing the maltmen, brewers and inhabitants of Elgin by "seizing and violentlie away taiking of there malt without order of law." On 16th Junij 1686, sasine was given to Alexander Grant in Oldmilnes, Shirreff Clerk of Murray, and Elizabeth Gordon, his spouse, in lyfrent of the lands of Overdunan in Inveravin. On 16th February 1678,<sup>3</sup> he obtained from Archibald Dunbar of Newton a wadset right over the lands of Achmades redeemable for 2300 merks. This he disposed to Ludovick Grant of Grant on 14th November 1692. On 15th November 1707, Elizabeth Gordon, spouse of Capt. Alexander Grant of Kirdels, took sasine of all and hail the toune and lands of Achmades, the toune and lands of Dinniehorn and Coldhome, within the parochine of Boharme.

At Banff the seavinth day of Janry 1703 yeires: Sederunt of the Comissioners of Supply of the shyre of Banff, Comissioners present—The Earle of ffindlater, My Lord Boynd, Colleynard, Dunlugus, Castelfeild, Edingeith, Durne younger, Burdsbank and Birkenboig present and Lathers.

The Comissioners underwrin of new named compeireand craived to be admitted, and declaired they ware willing to qualifie according to law. They are to say James Ogilvie of Boynd, George Gordone of Carnousie, John Dunbar of Kirkhill, John Cuthbert of Brackenhilles, Mr. Andrew Hay of Monblerie, Alexr. Abercrombie of Glashach and John Ramsay of Lathers, who all did swear the oath of alledgeance and subscribe the samyn and assurance as the samyn heireafter followes. Also compeired Alexander Abercrombie of Skeith.

<sup>1</sup> See pp. 59, 170, etc.

<sup>2</sup> "The Records of Elgin" (N. S. C.), Vol. I., pp. 338-340.

<sup>3</sup> "The Chiefs of Grant," Vol. I., p. 520.

## APPOINTMENT OF COLLECTOR AND CLERK AT REDUCED SALARIES.

The Commissioners appoint Castlefield Collector of cess at the reduced salary of £15 stg., and John Donaldson, Clerk, at a reduced salary of fifty shillings stg. The meeting impose the term's cess. As Justices they order, in the three county districts, meetings on the first Tuesday of every month, and general quarterly meetings at Banff.

With reference to a dispute between Mr. Archibald Dunbar of Thundertoun, one of the principal tacksmen of the excise of Scotland, and the brewers of the shire, who had tacks from his subtacksman Mr. Alexr. Grant of Kirdels, extending to 1st March 1703, though his sub tack from Dunbar expired on 1st September 1702, the Commissioners find that from that date to 1st December 1702 the subtacks from Grant will rule, and that thereafter Dunbar will uplift the excise according to these subtacks or otherwise as he may determine.

This meeting of 7th January 1703 was the last county meeting attended or presided over by James, third Earl of Findlater. The following letter from the County Collector, which exposes Lord Boyne's move regarding the Collector and his salary, shows that the Earl was absent from Cullen House in March. He was then in Edinburgh. In October 1703 he married as his second wife Mary, third daughter of William, second Duke of Hamilton, and widow of Alexander, third Earl of Callander, and of Sir James Livingstone of West Quarter. Henceforward he resided mostly in the south at West Quarter and in Edinburgh.

For some years hereafter Lord Boyne acted as Convener, as the minute of 3rd June next shows, and presided at several county meetings.

For the Earl of Findlater.

Castlfield 29 March 1703.

RIGHT HONOURABLE,

My Noble and Good Lord,

The suspense I wes in concerning your Lops change of lyffe, and the various reports heir made me delay the paying my dutie to your Lop. whill now, and yet I am in that samyn uncertainty. However I beg your Lops. most humble pardon for omitting my dutie so long, and wishes whenever your Lop. reenters in your former state of lyffe, I mean to be maried, it may be for Gods glorie and your own particular good every way. The toun of Cullen since your Lops. removall hes bein very melancholious, and I my selfe have born my large proportion,

but support my selfe with the hope it is for your Lops. good and interest. Your Lop. knows how I wes stated with my Lord Boyn at choising a collector. Since that tyme the pairtie hes bein on his Lop. for bygone cesses, and I expect no friendship from him, and your Lop. knows neither I or any other can serve at the present sallarie. I humblie conceave, if yr be any cess imposed at Parliat, that ane equall sallarie to be allowed by the Parliat throwout the kingdome to collectors would save much debate, and prevent his Lop. in imposing whom he pleases on this shyr. But this is but a thought of my own q̄ch your Lop. may consider on and doe as ye find convenient, for I hear my Lord Boyne is positive at nixt cess to have in that person he last aimed at; and if it wer not for yat specious pretext by deminishing the salarie he had not had any vote at the meiting but himselfe and sone, and wer one equall salarie once agreed on, his Lop. would hev few followres in the shyr. My Lord ther are no occurrences heir worth wreatig, and what your Lop. would be solved in may be had from my Lady. I wish your Lop. all health and happiness, and darr not as yet address myselfe to present my most humble dutie and service to the Countess as your wiff. Your Lop. knows wherin I can be serviceable to you heir. Your Lops. comands sal be most cordially obeyed by,

Right Honobl,

Your Lops. most faithfull most humble and obleidged servant,

NICOLĀS DUNBAR.

#### QUARTERING ON THE SHIRE FOR ARREARS OF CESS.

SEDERUNT of the Comissioners of Supply of the shyre of Banff, holden at Banff third day of Junij Jayvij& and thrie yeries, Comissioners present—Birkenboig, Durne younger, Dunlugus, Kirkhill, Glashaugh, Crombie, Monblearie, Castlefeild and Litlefeild and Colleynard, who by pluralitie of votes choised Colleynard preses.

The Comissioners haveing this day mett on ane order from my Lord Boynd anent the parties quartering on the shyre for the Mertimes and Candlmess termes cess.

After seeing certain orders from the General Receiver's factor, Robert Rutherford, to Sergeants Gerioch and Dick, to quarter on the Comissioners or Collector, and after protesting against certain



illegalities in connection with the quartering, the meeting appoyntes to them their quartering money conforme to law, and ordeines the Collector Castlefield to pay the samyn to Sergean Gerioch and receieve his discharge yrof, and appoyntes the samyn to be stented on the deficientis, and the samyn to be payed into the Collector with the nixt tearmes cess, and recomendes the proportioning of the quartering money to Colleynard, Dunlugas and Litlefield to meitt when the Collector shall desyre at Banff for that effect. The Comissioners doe ffind and ordein that for heireafter all the deficientis in payment of their cess, when the partie shall intimatt deficiencie to the Collector, shall be lyable to quartering and deficiencie. They also declaire that the Collector hes and shall have full power and libertie to give up listes of deficiencie to parties upon their intimatione of orders to him without warrand of any Comissioner. And the preses in name and att the desyre of the remanent Comissioners hes subscryved this their act.

W. JOASS, I.P.C.

and in name and by order of the Comissioners.

#### SERVANTS' FEES, TRADESMEN'S WAGES, AND CRAFTSMEN'S PRICES.

At this point the engrossment of the minutes is somewhat irregular in so far as three minutes dealing with matters within the jurisdiction of the Justices of Peace, though dated April and May, follow instead of precede the minute of June given above. These three minutes dealing with the regulations of the Justices fixing servants' fees, tradesmen's wages and craftsmen's prices, and detailing the measures taken in some areas of the Banff district to enforce them, are given in full. At a former meeting of Justices the constables had reported that servants' fees were mean. The ensuing minutes are a commentary on this view, which the Justices do not seem to have entertained; and wages were rigorously reduced to the standard of the county regulations, and all bounties, such as hose and shoes, allowances of meal, or the "sumering of a steir" strictly repressed. What economic advantage was thus gained is more than doubtful; and one can in a manner appreciate the grim humour of James Gray's swearing in face of court, and of Ardmellie's servant cursing the Justices, though for obvious reasons the servant denied the same.

AT Peter Touches house in Mossyde of Kinairdie the fyfteinth day Aprill Jajvij& and thrie yeires: Sederunt of the Justices of Peace of the district of Banff, Justices present—The Laird of Carnowsie, John Cuthbert of Brakin hills and Alexr. Wilson of Litlefield, who choised Carnowsie preses.

The said day intimationes being made in the parish kirkes of Rothemey and Aberchirder on the elevinth instant to attend this day and place, the intimatione for Rothemey was returned by William Jack constable intimat by the Session Clerk, and therewith the sd William Jack gave in a list, viz.:—

William Pettindreich in Corskellie deponed he is regular as to his servants and harvest hookes both as to the fie and tyme.

Patrick Elder deponed ut supra.

Wm. Badzenoch depones he hes only one servant, Lachlan McPhersone, who hes 9 mks fie two merkes for grazes (?) tuo pair shoes with shirt and hose. The Justices ffindes the fie is extravagant, and yrfor fynes the sd Lachlan in ffourtie thrie shillinges and four pennies, and ordeines his fie to be arrested, and the sd William to make furthcomeing the sd fyne of his fie.

James Gray yr he hes only one servant, Jon Elleis, who hes only fourtein merkes fie for all, qch the Justices ffindes extravagant, and yrfor ffynes in a merk and arrests and decernes ut supra. His uyr servants regular, and had no harvest huikes but one William Watt in Corskellie, who had six pounds, and Thomas Gray then at Rothemey, who had ten merkes, as also Marione Burnett in Ruthven, who had four poundes of fie. The Justices ffynes the sd Wm. Watt in tuantie shillinges Scots for the sd fie, and Thomas Gray in tuo merkes and half merk, and decernes them to pay the samyn to the collector. The Justices also ffynes the sd James Gray in tuantie shillinges Scots for swearing in face of court, and decernes ut supra.

Alexr. Mill there depones he is regular.

Robert Mill there also deponed.

John Innes in Wodsyde deponed he is regular as to his servants, but gave Issobell Anton in Rothemey seavin merkes a pair shoes and half a peck meale of harvest fie last harvest, ffor qch fynes the sd Issobell Anton in tuantie fyve shillinges Scots, and decernes ut supra.

James Innes there, absent seck, excused. Comeired James Gordon and Alexr. Waker his servants, deponed the sd James Gordon he hes ten merkes with shirt shoes and hose, and Alexr. Waker deponed he hes four pounds with shirt hose and shoes. They depone they are not yet fied. The Justices ordein them to fie betwixt and Sunday nixt, utherwayes declaire them subjected to their present master for the

subsequent half yeir, and ordeines their fies to be arrested in their masters hand.

John Crystie in Kairnehill depones he is regular.

James Thaine in Woodsyde depones his is regular.

Jon Ruddoch elder in Achincreive depones he is regular as to his servants, but gave ten merkes of harvest fie to Adam Thomsone, his harvest hook last harvest, ffynes the sd Adam in ane merk and ane half.

Jon Ruddoch yor there, regular as to his servants, but gave four poundes and a pair shoes to Janet Ruddoch in Inshcoursie of harvest fie last harvest, ffynes Janet Ruddoch in tuantie shillinges Scots.

William Lorimer in Caldham depones he gives to Helen Cock and Issobell Craib three merkes and half merk fie with buntay. He also gave to Elizabeth Walker in Miltoun of Rothemay seavin merkes and a pair of shoes and to Margaret Daeson in Rotnedie four poundes a pair shoes and a peck meale last harvest of harvest fie, ffynes the srvants in sixtein shillinges and each expenses ilk ane, and arrests ut supra, and fynes the sds harvest hookes in the overplus fie.

Robert Sharp in Inshcoursie depones regular.

James Lemmen there regular.

John Thaine in Mosset declaires he gives to James Henderson his srvant of fie and buntay sixtein shillinges more then the due fie, the sd James ffyned in the sd sixteen shillinges arrested and decerned ut supra. He gave of harvest fie to Margaret Gillean in Parrock four poundes and a pair shoes, ffynes hir tuantie shillinges.

William Mitchell in Inshcoursie regular.

John Barrine in Ternemnie gave to Robert Mill in Rothemey nine merks and a pair shoes of harvest fie, ffynes Robert Mill in tuantie shillinges Scots.

William Seivewright in Parrack regular, and Alexr. Lorimer in Claymyres, also James Henderson in Miltoun, George Cook in Mossyde of Rothemey being harvest hook to Wm. Ruddoch in Rattanach last harvest had six pounds of harvest fie, ffyned in tuantie shillinges.

Andrew Longmuire regular.

John Badenoch gives to John Horne his srvant two merkes ten shillinges fie more then the law, the said John Horne fyned in two merkes and ten shillinges Scots and arrested and decerned ut supra.

John Lobon in Ternemnie and Jon Lobon his srvant compeireing this day declared they are content to submitt and conform to the law. The Justices passes fra the fyne imposed on them in the court at Cranno the tent of ffebry last.

William Preist in Ratanach, Jon Slorach in Achincleish, and William Cazie in Reidhill, shoemakers, compeireing confest transgressing the lawes anent the pryces of shoes, and yrfor the Justices fynes ilk ane of them in ffoure poundes Scots money and decernes to pay ut supra.

John Craib and James Cobrone cobbler in Rothemey parish, because regular, past frie.

John Murray taylor in Inshcoursie yor. regular absolved. William Lorimer in Caldham, John Williamson in Claymyres, William Beidie there, Andrew Scott in Parrock, John Adam in Achincleish, Jon Abercrombie there, George Innes there and Alexr. Sharp in Inshcoursie, all weavers, compeireand: John Murray regular, and also the sds remanent persones above named, and past frie for bygones of all irregularities.

George ffordyce in Achincreive depones he had two woomen hookes in harvest last, one named Margaret Watt in Achincreive and Janet Wright there, to each yrof he gave four poundes a pair shoes of harvest fie last harvest. The Justices ffynes each of the saids hookes in tuantie shillinges Scots money and decerned ut supra.

James Cuye in Muire, William Craig in Maynes and John Reid weaver in Rottnodie, all absent, fyned in fourtie shillinges Scots each of them and decerned ut supra.

Alexr. Wilson srvant to Ardmellie being delet of curseing the Justices and he compeireing denyed, the ffiscall offered to prove by witnesses and adduced John Cheine as witnes, who deponed negative, and the matter continowed till the court at Banff.

The Justices continowes the court till the first Tuesday of May nixt. And the preses in name of the remanent Justices hes subscribed this their sederunt.

GEO. GORDONE, I.P.J.

James Adam weaver in Tillidoune fyned for contumacie at the court of Banff, compeireing this day declaired he was then unweill and not able to travell, and declaires he is regular. The Justices repones him, assoylies him from the former fyne and declaires him frie.

GEO. GORDONE, I.P.J.

SEDERUNT of the Comissioners of Supply and Justices of Peace of the shyre of Banff, conveyned at Banff the ffourth day of Maij Jayvij& and thrie yeires : Comissioners and Justices present — The Lairdes of Carnowsie, Dunlugas, Crombie, Kirkhill, Brakinhill, Colleynard, Nicolas Dunbar of Castelfield, Shreff deput, Monblerie, Littlefield, The Laird of Durne younger, Glashauch, who all choised Mr. Andrew Hay of Monblerie preses.

#### ABSENT COMMISSIONERS TO BE FINED.

The sd day the Comissioners present doe in respect of severall relevant excuses given in for the remanent absent Comissioners doe at this time excuse their present absence, with certificatione that for heire-after their absence shall not be excused, but all fyned conforme to law, without particular excuses from ilk ane of themselves allowed by the meiting. As also they excuse Durne younger, Glashauch, Castlefield and Brakanhill for their former absence from the last meiteing q̄rin the absents ware fyned, and discharges them of their fynes imposed thereby in respect of the relevant excuses now given in by them approved by the heal present Justices.

#### JURISDICTION OF JUSTICES IN REGALITIES AND ROYALTIES.

Anent a greivance given in by the Justices of Peace of the district of Keith compleaneing that the inhabitants of regalities pretend immunitie from the Justices and their courtes. The Justices present haveing considered the 38th act Par. first K. Ch. 2d.,<sup>1</sup> doe find thereby they have jurisdictione in all causes competent, wherein the uyr jurisdictiones, aither regalities or royalties, have bein defective after expyreing of fyftein dayes, and resolve to proceid accordingly.

#### AUGMENTATION OF SHEARERS' FEES.

Anent a remit from the court at this place the 2d of ffebry last ffor augmentatione of huikes fies. The Justices present doe judge and enact that the best man shearer who actuallie bigges cornes shall have ffyve pounds and a merk of harvest fie, but non haveing cottars actuall biggers of cornes shall have allowance to fie at that rate any man

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. VII., pp. 306-13.

shearer under the former penalties, and no man shall have more but one such man shearer at once. They doe also judge and enact that every best woman shearer shall have ffyve merkes and ane half of harvest fie, and all uyr shearers shall have fies as formerly.

#### SERVANTS' RE-ENGAGEMENTS.

Anent a greivance given in compleaneing that srvants, albeit they doe not renounce their srvice in due tym, yet refuse to serve their then masters, ffor redress q̄rof it is enacted and ordeined that all servants for theireafter who shall not take leive of their present masters fourtie dayes before the ensueing terme shall be bound to serve their present masters for the subsequent half yeir, and their fieving with ane uther persone shall be declaired null and illegal. Also masters not giving lieve to their srvants fourtie dayes befor the tearme shall be bound to his srvants one or more aither to give him service or pay his fie for the sd subsequent half yeir.

#### GRATUITIES TO SERVANTS ILLEGAL.

Anent the refer from the court of Monbleattoun of the affair betwixt James Grant and John Ord his srvant, James Grantes depositione being redd and considered by the Justices of Peace and by them voted by pluralitie of votes ffind James Grant hes transgressed the actes in promyseing or intending a gratuitie, and yrfr ffynes and amerciates him in ffourtie shillinges Scots, and ordeines him to pay the samyn to the ffiscall att the barr, but prejudice that he be fyned in fyftie poundes, if he exceid the ordinarie fie to Jon Ord. It is statute by the Justices that any person promyseing by himself or any uther persone to his knowledge any gratuitie thigeing or the lyke dureing service or thereafter or good deid to any srvant shall be fyned in fyftie poundes Scots, the samyn being promised intuitu of the srvice toties quoties. The Justices regulat the tymes of fieving servants for hereafter to be the tuantieth of Junij for the harvest shearers, and the first of Aprill and the first of October for sumer and winter half yeires rēxive for hyred servants.

#### TANNERS OF LEATHER—PRICES.

The Justices judge and enact that for hereafter all tanners of leather, whither shoemakers or uthers, that have barked or shall bark

leather for the future, shall be obleist if shoemakers they shall be obleist to make and sell the samyn at the ordinarie rates and ordinarie places within ten dayes after intimatione, and if tanners they shall be obleist to sell the hydes to shoemakers or uthers offereing to buy them within the sd space at the followeing rates viz. at ffourtie shillinges Scots money for the best ox hyde, and half a croune for the courser oxen hydes and best cowes hydes, and proportionallie for lesser hydes, and that of profite and for taneing over and above the pryces given by them at first buyeing the hydes rough, q̄ch pryces are to be given befor the nixt Justice of Peace upon oath with certificatione of confiscatione.

#### YEARLY FIAR OF PRICES OF SHOES.

The Justices present think it convenient that there be a ffear made yeirlie for the pryces of shoes, and to this purpose that fyve men neutrall and indifferent out of each district with one tuo or thrie of the Justices of each district doe meitt yeirlie for makeing the sd ffear on oath, and appoyntes the meiteing for this yeires ffear to be at ffordyce on the last Tuesday of Maij instant, and if any of the fyve from each district bees necessarily absent, or wilfullie, the Justices then present may name uthers in the absents places, and those wilfullie absent shall be fyned at the Justices p̄nt their discreatione, intimatione being made to them; which ffear being made, appoynts ane double yrof to be sent to each district, that the samyn may be ane sure and prime rule for the pryces of shoes for this yeir.

There being a greivance given in anent cottars the tym of their fieing and extravagant vadges, the Justices present remitt the samyn to the nixt generall meiteing the first Tuesday of August nixt to come.

And appoyntes intimatione of the heall premisses to be made at each parish kirk of this district on Sunday nixt and the ffiscall to send the samyn to the rēxive parish kirk[s] yrof, and the ffiscall to advance money to him for that effect. Lykeas the sds heall Justices enact that the Justices of Peace of each district shall [have] power and freedom to destribute and dispose of the rēxive emoluments of their owne courtes, or utherwayes as they shall think fitt within their owne districtes, reports being made yrof at each quarterly meiteing when called for.

Sitting as Commissioners of Supply the meeting received the Collector's bond of caution for the current cess, and handed it to their Clerk for safe custody.

The Post continued for one quarter to Lambes at the former salary.

Decree given against John Grant of Ballindalloch for arrears of cess.

And the preses in name and at comand of the remanent Comissioners and Justices hes subscriyved this their sederunt.

A. HAY, P.

In regard to the claim by the Justices to jurisdiction over the inhabitants of regalities, a reference to the act cited, viz., the act of 1661 re-establishing Justices, hardly bears out their contention. A regality was a grant by the Crown of regal jurisdiction in civil and criminal matters within the territory assigned to the regality. With the exception of persons charged with treason, the Lord of the regality could withdraw, or repledge as it was technically called, any one within his territory from trial before any other court, whatever crime he was charged with. Very considerable portions of Scotland were by this date converted into regality, the part of the country remaining under the jurisdiction of the King's courts being termed royalty. Conflicts of jurisdiction were of common occurrence between competing courts. These regality jurisdictions were abolished in 1747.

#### MEASURES AGAINST IDLE PERSONS LYING OUT OF SERVICE.

SEDERUNT of the Justices of Peace of the shyre and district of Banff, Justices present—The Laird of Carnowsie, Mr. Andrew Hay of Monblearie and Alexr. Wilson of Littlefield, who choised the sd laird of Carnowsie preses, holden at Blacktoun the tuantieth day of Maij Jayvij& and thrie yeires. Also Dunlugas. . . . .

The sd day there being ane executione given in by William Gellie officer agt severall idle persones ffor their lyeing out of service, and being called George Youngsone in Sandley, Issobell Kennedie yr, George Anton servant to George Stuart in Rosicburne, Margaret Hay in Caldhome and Janet Bennett in Muirehill ffailled to compeir, and yrfr the Justices ffynes George Youngsone in ffourtie shillinges Scots because he was not p̄rlie cited, and the sd George Anton in ten poundes, and the sds Margaret Hay, Janet Bennett in ffoure poundes Scots, ilk ane of them to pay the samyn to the ffiscall.



And the remanent idle persones viz.:—Jon Ord, Alexr. Stuart, James Moreson, George Chalmer, Isobell Kennedie, Issobell Grant, Janet Smout laüllie cited called and compeireand: The sd Alexr. Stuart acknowledges he hes fied with John Tayleor in Itlaw regularlie, and is to enter his service and yrfor is assoylied. George Chalmer servant to James Mitchell declaired he was fied with James Grant about the third last day of March, and is resolved to enter home to his service. The Justices ffind the fieing with James Grant irregular and that he cannot srve James Grant. The said John Ord compeireing declaired he is upon the taking of a possessione viz., the lands of Craighead, and he is on the bargane, and if that bargane goe off he is willing and content to serve James Grant his last master, and to this purpose he enactes himself betwixt and the first day of Junij nixt to come, under the paine of ten poundes Scots money. James Moresone compeireing declaires he is content to serve James Stuart his present master and accordinglye engaged with the sd James Stuart. Issobell Grant hes presentlie fied with James Ogilvie in Newtoun.

Margaret Hay on the uther syde is decerned to serve Jon Brodie in Brydock the current half yeir, or els grants warrand to imprisone hir in the tolbuith of Banff.

Janet Shirren is decerned to keep hir service with John Thomsone in Ryland this current half yeir, he finding sufficient suirtie to hir for the rest of hir last half yeires fie and the current half yeir, utherwayes she to be frie, and if she refuse grantes warrand to imprison hir.

It is enacted that George Chalmer above designit doe presentlie engage in service at the ordinarie rates, utherwayes to be ffyned and imprisoned. The sd George judiciallie in face of the court engaged with Peter Smith in Achinbedie at the ordinarie rate, and so he is assoylied.

The Justices names James Wood in Doune, Alexr. Mill at Mylne of Alvach, George Wobster in Kirkton of fforglen, James Barron in Tillifafe and George fforsyth in Culbuichlie to go to ffordyce on the last Tuesday of May instant to make the ffeiar of shoes pryces conforme to the last act, and William Gellie to warne them thereof.

The Justices ordein intimationes to be sent out to the heall parishes of the district by the ffiscall, ordeineing the heall constables in ilk

parish to come to Blacktoun on Thursday the 27th instant, and bring with them listes of all idle persones within their boundes, and to caues cite them to the court the sd day that course be taken yranent, and that all persones haveing complents may be warnned to be present.

GEO. GORDONE, P.

SEDERUNT of the Justices of Peace of the shyre of Banff within the district of Banff holden at Blacktoun the 27th of May 1703 yeires, Justices present—The Laird of Dunlugas, Colleynard, Monblearie and Litlefield, who choised the sd Andrew Hay of Monblearie preses, also Justices, Carnowsie, Glashauch and Brakanhillies.

Anent the complent given in by Peter Smith in Achinbedie agt George Chalmer compleineing that the sd George had not only deserted his judicall fieing the last court day, but also entered service with James Grant with whom he was irregularlie fied, qch being made appeir, the Justices ordein George Chalmer imediately to enter home to Peter Smith, qrin, if he faillie within 24 houres, grants warrand to a constable to imprison him till he find suirtie to performe his s̄vice, but in respect neither of them are cited till they appeir befor ryseing of the court, and if not ordeines James Grant and George Chalmer to be cited to the nixt court for their contempt of the last act.

The Justices ffynes Janet Smout and Mary Shirren hir mother in tuantie shillinges Scots each of them ffor the sd Janet hir deserteing hir s̄vice conforme to the last dayes act, and hir mother for countenanceing hir yrin.

Jon Duftone in Turtrie is decerned to enter home to William Ritchie in Turtrie his s̄vice, as reasonable he can serve till the nixt terme at the ordinarie rates, and he is to give him no other s̄vice then his present conditione is capable of, wherein if he faillie grantes warrand to a constable to apprehend him and incarcerat him till he find suirtie to fulfill his s̄vice.

Janet Irvine in Haddo ane idle woman decerned to enter home to Wm. Spence in Haddo the current half yeir under the above certificatione, and which she judiciallie undertook.

The constables of Inverkeithnie gave in a list of idle persones and declaired they cited them according to the last act to the court. There

names are these—Janet ffraser now in . . . then in ffortrie absent, Cristian ffindlater now in . . . . Janet Collie in ffortrie, Cristian Harper in Tullos, Janet Wobster there, Helen Russell, Janet Burnet in Creilwell, Margret Larg in Haddo, Issobell Smith in Achingoule, Elizabeth Con yr., Elizabeth Browne there, who all being cited, called and not comperieand, the Justices ffynes ilk ane of them in ffourtie shillinges Scots money, and decerned to pay the samyn to the ffiscall, and all ordeined to choise masters and enter service again Sunday nixt, with certifica<sup>one</sup> that if they faillie any persone challengeing them shall have right to their service; and the constables are warranted to enter them to the acclaimers service.

The Justices ffynes and amerciates William Mair now srvant to Corskie yor in ffourtie shillinges Scots money for his contumacie, being la<sup>w</sup>llie and p<sup>e</sup>rlie cited and called and not compeirand.

George Youngsone fyned last day . . . rep<sup>o</sup>ned and assoy<sup>l</sup>ied.

George Chalmer now compeireing refuses to serve Peter Smith. The Justices ffynes the sd George Chalmer in ten poundes Scots, and ordeines him to goe to prisone in the tolbut<sup>h</sup> of Banff till he pay the fyne, and find suirtie to fulfill his srvice and his fie presentlie arreisted in James Mitchells handes and any goods in his handes. . . .

A. HAY, Preses.

S<sup>E</sup>DERUNT of the Comissioners of Supply and Justices of Peace of the shyre of Banff, being a quarterly meiteing conveyned at Banff the third day of August Jayvij& and three yeires: Comissioners and Justices present—My Lord Boynd, The Lairds of Dunlugas, Glashauch, Crombie, Monblerie, Kirkhill, Colley-nard, Nicolas Dunbar of Castlefield and Alexr. Wilsone of Littlefield and John Cuthbert of Brakanhilles, who by pluralitie choised my Lord Boynd preses.

The shires Post continued, his dues to be stented with the Lambes cess.

#### SERVANTS TO ENGAGE FOR ONE YEAR AND ANENT APPRENTICES.

The sds Comissioners as Justices of Peace in respect of the old customes of the countrey and acts and ordinances of the Justices of Peace of the shyre doe ffind enact and ordein that ffor heireafter after

the tearme of Witsunday nixt to come all servantis fyeing shall fie for ane yeir and for no shorter tym, unles the master shall please of his owne will to dispence with ther servants. And also that for heireafter no person shall be allowed to engadge prenteis to any tradesman without warrand from a general meiting of the Comissioners in presentia, or from ffyve Justices within their owne district meiteing togidder and granteing the same upon reasonable reasons, under the penaltie of ten poundes Scots money for the prenteis and als much for the master, besyde being lyable to serve any master who shall challenge the sd prenteis, and being declaired uncapable to serve the sd master as prenteis or utherwayes without resrve. It is furdre enacted statute and ordeined that whoever shall for hereafter reteine any srvant adjudged by sentence to ane uther master after intimatione or their being in knowledge yrof, or shall any way collude or connive with a servant to evite the law, or any third persone who shall after intimatione keep harbour the sd servant shall be subject and lyable to a ffyne and unlaw of ten poundes Scots money toties quoties, by and attour the skeath and dammage susteined by the partie leised. They also ffind and enact that no persone possessing small craftes of mein pay shall be allowed for hereafter to have any srvants but one, and that a third rate servant of men srvants, and they declaire that tradesmen are herein includit.

Fines ordered to be imposed on Justices absent from meetings.

Brackanhilles presented a letter from Cowhardie, Badinscoth, Hattoun and Castletoun, Justices of Peace of the shyre of Aberdein, dateit 16th of July last past direct to the Justices of Peace of this shyre assuering of their concurrence in justice with the Justices of Peace of this shyre in all thinges, and pãrlie anent the srvants who fledd out of this shyre to Aberdein, and desyreing the lyke from this shyre. The Justices doe resolve to keep correspondence with those of Aberdein; and in order thereto doe recomend to all the Justices in particular and generall to return to Aberdein the srvants come thence to those who calles for and hes right to them.

PATRICK OGILVIE.

SEDERUNT of the Comissioners of the shyre of Banff viz. Sir Jon Gordon of Park, The Lairds of Carnowsie, Kirkhill, Monblerie, Colleynard, George Leslie of Burdsbank, Nicolas Dunbar of

Castlefield and Alexr. Wilson of Littlefield, who all choised the sd Sir Jon Gordon preses, holden at Banff the tuantie sixt day of October Jajvij& and thrie yeires.

The Post continued for a quarter by a pluralitie of votes, the expense to be stented with next quarter's cess. Castlefield, the Collector, produces receipts from the General Receiver. Regarding a party lying on the shire for deficiency of Lambes cess, the deficiency is ordered to be paid to the party, and the same stented on the deficients.

#### SIR JOHN GORDON OF PARK.

The said day the sd Sir Jon Gordon represented that now he being of a good age and often tender and not able to travell especially in the winter tym, and considering that hitherto he hes bein most willing to comply with authoritie in keeping meiteinges, he therefor protestes to be excused for his absence in tym comeing, urtherwayes declaires he will demitt and give over to officiat, and thereupon took instrument; and if he doe continew protestes that he may be joyned to the district of Banff. And in respect the sd Sir John Gordone for reasones knowen to him declynes to subscriye the act, the Comissioners of new again elect James Dunbar of Durne to be preses of this meiteing in Sir Jon Gordon's vice, and he at desyre of the remanent Comissioners and in their name subscriye this their act. . . .

JA. DUNBAR, I.P.C.

SEDERUNT of the Comissioners of Supply of the shyre of Banff, conveyned at ffordyce the ffirst day of ffebruarie Jajvij& and foure yeires: Comissioners present:—My Lord Boynd, The Laird of Crombie, Durne younger, Edingeith, Colleynard, Kirkhill, Castlefield, Birkenboig and Glashaugh, who choised My Lord Boynd preses.

#### BALLINDALLOCH'S ARREARS OF CESS.

The Comisioners considering that there is a partie lying on the shyre for the rest of the Mertimes cess as yet unpaid, and also considering that there is a great rest and of ane old continowance upon the Laird of Bellindalloches landes of Tullochcaron, Pitchaise and Morinshe, which does occasione so often parties on the shyre, albeit intimation of deficiencie be made tearmlie to him of his restes, and

that for easing the shyre the Comissioners have proportioned the deficiencie on the deficients, and ordered the Collector to advance the samyn to the parties. Therefor the Comissioners ordein their Collector to give a list of the said Bellindalloches present rest to the partie pñtlie quartering, and orders that they doe locallie lye on his landes, untill he procure the Collectors removeall or discharges, and that they be payed of their deficiencie, and have given orders for that effect.

The Post continued for a quarter. Cess for the ensuing Candlemas term proportioned.

It being lykewayes represented that Egiptianes idle persones to abound, therefor the Commissioners doe recomend to all persones to sease and apprehend the sds wagabounds Egiptianes and idle persones and secure them in prison till tryall.

Also severall brewers compeireing conforme to the last underwrine produced and gave in renunciations of their breweinges, which the Comissioners doe allow off so far as they are legall and alloweable.

PATRICK OGILVIE.

#### ENTRIES MADE BY BREWERS.

SEDERUNT of the Comissioners of Supply of the shyre of Banff and district yrof, conveyed this fourth of Aprill Jayvij& and four yeires being the first Tuesday of sd moneth at Banff: Comissioners present—Mr. William Joass of Colleynard, John Cuthbert of Brakenhills and Alexr. Wilson of Litlefield and Jon Dunbar of Kirkhill.

The sd day the sd Comissioners haveing mett conforme to and in obedience of the act and proclamacione of Councel dateit the 5th of August 1702, ffoundit upon the acts of the Comissioners of Supply of the shyre divydeing the shyre in severall districtes ffor heireing and receiveing the complents betwixt tacksmen of excyse and brewers, and receiveing the brewers entries of liquors sold by them from the first day of March last past to the first instant. The sds Comissioners haveing called for the tacksmen or collectors of excyse of this shyre, if any be, to give in their claimes and complents produce their rightes and titles and sie the brewers make their entries and controll the samyn, and non

compeireing they proceeded to receive the several entries made by the brewers as followes, viz. :—

Walter King in Newmylnes in ffordyce parishe enteres by his wyfe browen and sold in the moneth of March threttie nyne gallones two pyntes and one chappin of eale and beir, and one gill of acqua vite, and offers to depone yrupon.

Magnus Morgan in Cleichden in Gemrie parish enteres by himself ut supra twantie gallones and seven pynts and one chappin eale, and thrie choppines of aqua vite. . . . .

James Wood in Doune in Gemrie parish enters by himself ut supra sixtein gallones eale, and one pynt aqua vite.

Elspet Mill at Scotsmylne in Boyndie parish enters by himself eighteen gallones and fyve pynts of eale, and five choppines and one gill of acqua vite.

James Stuart in Whytehill in Boyndie parish by himself enters ten gallones eale, and no aqua vite.

William Robertson in Boarstone in Boyndie parish by his wyfe enters nyne gallones eale.

James ffraser in Whitehilles in Boyndie parish enters by himself ffyve gallones eale.

George Lumsden there by his wyfe enters ffour gallones eale.

Alexr. Donald in Boyndie in the said parish by his wyfe enteres thrie gallones eale.

George Watson in Whytehilles in the sd parish by his wyfe enters ffyve gallones eale.

William Mill in Dunlugas in Alvach parish by himself ffour gallones eale, and a pynt of aqua vite.

William Gellie in Alvach in that parish by himself enteres twantie thrie gallones of eale.

Alexr. fforsyth in Roundhill in Banff parish by himself enteres ffyftein gallones of eale, and thrie chappines of aqua vite.

George Steinson in Sandehilles in the sd parish be himself enters ffyve gallones eale.

James Coupland in Culbuichlie in Banff parish by himself enters

William Cruickshank in Doune in Gemrie parish by himself enteres eighteen gallones eale.

Andrew Jonstoun in Corskie in Aberchirder parish by himself enteres nyne gallones eale.

George Ranie in Cranno in the sd parish by himself enters ten gallones eale.

Alexr. Simpson in Myresyde in the sd parish by himself enteres eighteen gallones eale, and six pyntes of aqua vite.

William Gordon in Cragiebrea in the sd parish enters by himself tualve gallones eale.

William Allan in Muirealehouse in Aberchirder parish by himself enteres threttie gallones eale, and two pyntes of aqua vite.

Patrick Touch in Mossyde of Kinairdie in Aberchirder parish by himself enters eightein gallones of eale, and six pyntes of aqua vite, and six gallons eale in Marnan fair.

John Ritchie in Turtrie in Rothemey parish by himself enteres sixtein gallons eale.

Thomas Ruddieman at Mylne of Crombie in Aberchirder parish by himself enteres twantie gallones of eale.

Which heall above named persones brewers offered indiviallie to depone on the above entries made by them of the quantities above sett doune, brewen and sold by them from the first of March last past to the first day of Aprill instant, and offered to make payment of the excyse yrof accordingly, and protested to be frie of all penalties of law in respect of their compliance with the law, which protestatione the Comissioners admittes, and in respect non compeired to controll the sds entries or accept of the excyse continowes the payment of the excyse till a collector or tacksman appeir and assoylies the brewers from the penalties of law.

W. JOASS.

JO. CUTHBERT.

ALEX. WILSONE.

J. DUNBAR.

AT Banff the second day of May Jajvij& and foure yeires.

The Commissioners order the Collector to raise diligence against the Laird of Bellindalloch for arrears of cess. The Whitsunday term's cess, including Post's dues, Collector's and Clerk's salaries, is stented at forty seven shillings Scots on each £100 Scots of valued rent.



MEITEING of the Comissioners of Supply of the shyre of Banff conveyed at Banff the first day of August being the first Tuesday yrof in the yeir Jayvij& and foure yeires: Comissioners present—My Lord Boynd, The Lairdes of Dunlugas, Carnousie, Durne yor, Glashach, Crombie, Colleynard, Monblierie, Brackanhilles, Littlefield and Burdsbank, who all choised my Lord Boynd preses.

The Comissioners anent a report made by my Lord Boynd of a retorne to him of the letter he had received from the Laird of Grant yor anent his cess, the Comissioners ordein the letter to be recorded, and ordein the partie now quartering to be sent to Bellindalloch to lye locallie there, till all bygone arriers of the cess due out of Bellindalloches landes in this shyre be payed.

## COMPLAINTS AGAINST BREWERS.

James Campbell of Kerenach, factor for John Chrystie, Writer in Edinburgh, Tacksman of the excise of five counties in Scotland including Banff, and Patrick Reid, appointed by James Campbell to uplift the excise in Banffshire, appear before the Commissioners with a representatione claime and complent upon the brewers of severall parishes of the shyre.

BANFF first of August 1704. Comissioners pñt.

James Campbell of Kerenach and Patrick Reid having cited the heall brewers of St. fergus and fletterangus, and they being called and non compeireing except Alexr. Dalgarno and James Wyldgoose, who refused to depone on their entries, therefore the sds purrs entered for them and ilk ane of the remanent brewers of the sd roll the number of ffyve hundreth gallones of eale browen and sold by them since the first day of March last past preceeding this day, them and ilk ane of them.

Helen Stuart spouse to Robert Lumsden in Cullen, called and compeireand offered to depone she did not brew for seale since March last, but confest breweing for hir owne and families use, as she was in use to doe off befor she brewed for sale, as is weill known to severalls of the Comissioners pñt. In respect qrof the Comissioners assoylies the sd Robert Lumsden and his said spouse, āgt qch sentence the sd

Peter Read protested as being contrair to the acts of Parliat and Counsell, and for coast skeath and damnadge.

John Spence in Seatoun of Cullen, Robert Moreson now in Rathen, Janet Durhame, James Urquhart, Barbara More, Sarah Dalgarno, Andrew Gerard, Robert Elleis and Alexr. Gray called.

Those not appearing have entries of 500 galls. of ale and 50 galls. of aqua vite made against them, from 1st March.

PATRICK OGILVIE, I.P.C.

#### COMMISSIONERS FOR THE SHIRE OF BANFF, 1704.

An Act of Supply granting six months' cess on the land rent was passed by Parliament on 5th August 1704, and the following were appointed<sup>1</sup> Commissioners for Banffshire.

William Earl Marischall, James Earl of Findlater, James Earl of Seafield, Sir Patrick Ogilvie of Boyne, Sir Alexander Ogilvie of Forglen, Ludovick Grant of that Ilk elder, Alexander Grant of that Ilk younger, Sir John Gordon of Park, Sir James Abercrombie of Birkinboig, Alexander Gordon of Pitlurg, James Ogilvie younger of Boyne, Alexander Duff of Braco, William Baird of Auchmedden, Alexander Gairne of Troup, John Ramsay of Laithers, Peter Russel of Moncoffer, Robert Grant of Dunlugus, James Ogilvie of Logie, Mr. William Joss of Coleinward, Mr. Andrew Hay of Montblairie. Alexander Wilson of Litlefield, George Gordon of Carnousie, Mr. Francis Grant of Cullen, Alexander Grant of Bellintomb, John Abernethie of Meyan, James Gordon of Ardmeallie, James Hamiltoun of Cowbardie, — Abernethie of Corskie younger, Alexander Abercrombie of Glashaugh, James Dunbar younger of Durn, James Ogilvie of Poldavid, Nicolas Dunbar of Castlefield, John Hay of Moldavid, Patrick Steuart of Tannachie, — Gordon of Buckie, Alexander Abercrombie of Skeith, Alexander Sutherland of Kinminitie, John Innes of Edingith, John Innes of Edingith younger, Charles Gordon of Glengeirrack, William Gordon of Birkenburn younger, — Gordon of Achynachie, John Grant of Carron, John Grant of Bellindallach, Major George Arnot, — Steuart of Kilmaichlie, Robert Cumming of Reicleiteich, Alexander Leslie of Kininvie, Mr. James Leslie of Tullich, Alexander Duff of Drumuir, Thomas Donaldson of Kinnairdie, John Cuthbert of Braickin-

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. XI., p. 149.

hills, Walter Grant of Ardendillie, Captain John Grant of Easter Elchies, — Steuart of Achorachan, James Duff of Crombie, John Ogilvie of Kempcairn.

ATT Banff the tualth day of September Jajvij& and foure yeires, in a meiteing of the Comissioners of Supply of the shyre of Banff, Comissioners present—My Lord Boynd, The Laird of Boynd, Birkenboig, Troupe, Lathers, Glengerack, Glashach, Crombie, Dunlugas, Brackanhilles, Meyen, Corskie, Colleynard, Littlefield, Kinairdie, Kininvie, Captain Grant of Easter Elcheis, Arindillie, Castlefield, Carnousie, Monblearie, Bellintome, Durne yor, Edingeith elder, who by pluralitie of votes chosed my Lord Boynd preses.

The sd day John Abernethie of Meyen, Alexr. Abernethie of Corskie, John Grant of Eister Elcheis, Mr. ffrances Grant of Bellintome, Alexr. Leslie of Kininvie, and Thomas Donaldsone of Kinairdie new Comissioners of Supply did qualifie themselves by sweareing the oath of allegiance and subscriyveing the same and assureance, as the samyn on the act of this book the day of beares.

John Donaldsone, former Clerk, and Patrick Leslye, Sheriff Clerk, elected joint Clerks of this Supply at a salary of £10 stg. Nicolas Dunbar appointed Collector at a salary of £30 stg. The Post continued at his former salary of £5 4s. stg.

Day foirsd the saids Comissioners as Justices of Peace in respect of the great distance betwixt the head of this shyre and this place, so that the heall Comissioners cannot convenientlie meitt togidder at ilk quarterlie meiteing, and that by the former actes srvants are ordeined to continew their srvice for ane heall yeir, therefor ordeines the Clerk to give hereof nottice with the cess intimationes . . . They also discharge John Geilles their ffiscall to doe any further executione agt the Comissioners of the Keith district for the ffynes laid on them for their absence from the quarterly meiteinges till farder order.

PATRICK OGILVIE, I.P.C.

#### CAPTAIN JOHN GRANT OF EASTER ELCHIES.

Captain John Grant of Easter Elchies,<sup>1</sup> named in the preceding minute, as a matter of fact did not subscribe the oaths as stated. The

<sup>1</sup> "The Chiefs of Grant," Vol. I., pp. 506-7.

Grants of Easter Elchies descend from James Grant, the Bold, third laird of Freuchie (1528-1553), and are cadets of the Chiefs of the Grants. Captain John Grant, born c. 1659, succeeded his brother Patrick in the estate of Easter Elchies, but when is not altogether certain. On 5th September 1688, he received from Patrick a disposition of the lands of Edinville, part of the Lordship of Balvenie, in the parish of Aberlour, which was confirmed by charter from Alexander Duff of Bracco on 30th September 1697. When Ludovick, Chief of the Grants, raised the Grant regiment in April 1689, in the interests of King William, John Grant, then designed of Easter Elchies, was appointed captain of a company. Captain Grant was in command of the garrison of Ballachastell (Castle Grant), and materially assisted General Livingstone in his victory over the Jacobites under General Buchan at Cromdale near by, on 1st May 1690.<sup>1</sup> Later that year he and his company of sixtie sentinels, tuo serjants, three corporalls and a drummer garrisoned the house of Ballindalloch, Inveraven. The company, under a lieutenant, was in Glasgow when, late in January 1691, it was ordered to join the remaining companies of the regiment then in garrison at Inverlochy, with the view of the disbandment of the whole regiment there.<sup>2</sup> On 6th October 1702, he appeared at the election in Banff of James Ogilvie younger of Boyne and of Alexander Duff of Bracco as Commissioners to Parliament, and voted as fiar of Edinvillie. In the minute of the election meeting he is designed of Elchies, which is in Moray. At the Pasch head court of 1703 his name was added to the suite roll for Edenvillie, and he continued on the roll until 1710. On 5th August 1704 he was appointed one of the Commissioners of Supply of Banffshire, and qualified at Banff on 12th September following. In 1711 he purchased the barony of Rothes from John, ninth Earl of Rothes. He married Elizabeth, daughter of John Grant, and sister of John Roy Grant, respectively VIth. and VIIth. lairds of Ballindalloch. He died on 4th March 1715, and was buried in the kirkyard of Elchies, Knockando. He was succeeded by his only son Patrick, a Scots advocate, who sat on the bench as Lord Elchies.

#### BREWING ENTRIES AND RENUNCIATIONS.

On 5th December 1704, the Commissioners of Supply adjourned consideration of a letter from James Steuart of Coltness, Lord Advocate, giving reasons why the Commissioners' decision in the case of Helen Stuart, Cullen, in regard to the brewing entries on 1st August should be reversed.

<sup>1</sup> "The Chiefs of Grant," Vol. I., pp. 318-9; and Mackay's Memoirs, p. 95.

<sup>2</sup> MS. Minutes of the Privy Council of Scotland, 22nd January, 1691.

Banff 18th of Janry 1705 yeires. In pñs of the Comissioners of Supply of the shyre of Banff, viz., My Lord Boynd, Durne yor, Colleynard, and Castlefield: Compeired William Gellie brewer in Alvach, James Munro in Bachlay in Banff parish, Andrew Govans in Craighead, Andrew Shie brewer in Cornekairne, and gave in renuncia<sup>o</sup>nes of their breweing and tacks of excyse after the first of March nixt to come, and yrupon took instruments and protested to be frie of breweing after the sd tym, which the sds Comissioners admitted and ordeined the sds renuncia<sup>o</sup>nes to be taken in and booked.

SEDERUNT of the Comissioners of Supply of the shyre of Banff mett at Banff the thratteinth day of ffebry Jajvij& and fyve yeires: Comissioners conveyned—Birkenboig, Boynd younger, Carnousie, Durne younger, Meyen, Skeith, Kininvie, Monblerie, Castlefield and Corskie, who by pluralitie choised the sd Laird of Boynd preses.

The charge for the county Post made optional on heritors.

#### BALLINDALLOCH'S ARREARS OF CESS.

Anent the representatione made by the Collector, and als by the partie quartering on the Laird of Bellindalloches lands in this shyre ffor bygon rests, and haveing called for ane letter from the Laird of Grant younger to the Comissioners of Supply of this shyre, the Comissioners ordein the sd letter to be recorded verbatim, and ordein the partie to goe to Bellindalloches lands and quarter thereon and poynd the ground untill payment be made of all rests of cess deficiencie and coast skeath and damnadge, and also ordein the Collector to doe diligence agt Grant and Bellindalloch by a citatione befor the Thesurie upon the sd letter till sentence be obtained . . . In the meantym recomends to the Laird of Boynd to acquent Grant of this their procedur . . .

JAMES OGILVIE.

ffollowes the tenor of the Laird of Grantes letter verbatim.

Honored Gentlemen, Bellindalloch May 6th 1704. I had this day of the 2d instant, and beleive me am extreamlie concerned there should be any debenter due by Bellindalloches interest, and as I promised to Glashach one of your number I shall send downe a gentleman to cleir

with the Collector at your oversight in a ten dayes or a fourtnight, whenever our labouring is over, and whatever is found due shall be payed without troubling of you for a partie yit. I must say a verie small partie might poynd for deficiencie in any legall countrey, so that a strong one is not necessarie, especiallie when Bellindalloch is willing to pay. I shall not feale in what I promise of sending and cleir differences with the Collector; and am, Gentlemen, your most humble servant (sic sub<sup>t</sup>) Allexander Grantt. Directed on the back ffor the Hon<sup>ll</sup> My Lord Boynd and the uther Comissioners of Supply of the shyre of Banff.

22nd March 1705. This letter sent south by Castlefield's order to James Baird with ane extract of the above act, and the account of cess due by Bellindalloch, and the Comissioners decreit yron on the 9th of May 1703 yeirs, as also ane account of subsequent rests.

#### JOHN ROY GRANT, VIIITH OF BALLINDALLOCH.

John Roy Grant, VIIth of Ballindalloch,<sup>1</sup> was by this time apparently in very deep water. The last laird of Ballindalloch of the old line, he descends from Patrick Grant, who appears about 1520 as a prominent member of the Clan Grant. Of the same stock are the Grants of Advie, Dellay, Dalvey later Dunlugas, and Tomnavoulan. John Roy Grant was, according to Fraser, infest in the lands of Ballindalloch on his father John Grant's resignation in 1682, he undertaking to discharge all his father's debts. He was retoured heir to his uncle, George Grant of Cardells or Kirdels, in the lands and barony of Pitcroy, alias Cardells, in 1685. His second brother, Alexander, was Grant of Kirdels, Sheriff Clerk of Moray, and tacksman of the excise of Banffshire. On 15th March 1688, John Grant of Belndaloch took sasine of the Kirktoone of Inveravine and fishings. Inheriting an estate much encumbered, John Roy was unable to extricate it, and, like most embarrassed landowners of these revolutionary times, he espoused the cause of the "outs." At any rate, in 1689 he was early out with Viscount Dundee for King James.<sup>2</sup> He was in Dundee's raid on Perth early in May 1689, when he annexed the Whig laird of Pollock's best bay horse as a remount! He was present at the victory of Killiecrankie. John Grant of Ballindalloch was one of the Jacobite signatories of a letter from Birse, Aberdeenshire, on 17th August 1689, in answer to Major General Mackay's invitation to lay down arms, in which they said "we scorn your usurper and the

<sup>1</sup> "The Chiefs of Grant," pp. 320-1 and 520.

<sup>2</sup> The Acts of the Parliaments of Scotland, Vol. IX., Appendix, pp. 52-65.

indemnities of his government." This was so galling to the Orange government that the Earl of Craford, President of the Council, on 26th September next directed Sir James Lesly, Commandant at Inverness, as follows:—"The laird of Ballindalloch being on of the subscribers of that rebellious and insolent letter written by the clans to Major Generall McKay, and haveing slighted his acceptance of the benefitt of his Majesties gracious indemnity within the tyme therein prefixt, cannot be allowed a protectione longer then you can intimat the Councils pleasure to him, nor can he expect any conditiones but rendering himself up to the King's mercie."<sup>1</sup> In the winter of 1689-90, in the Highlands of Banff and Aberdeen, he drew the Jacobites to a head, and appears as first signatory of the Band of Association signed at Tamintoul on 15th January 1690, by twenty leading Jacobites of the district, including Viscount Frendraught and The Farquharson, but not Glenbucket, as stated at page 88, who was then only 14 or 15 years of age. After the fight at Cromdale on 1st May 1690, his house of Ballindalloch was garrisoned by a company of the Laird of Grant's Orange regiment, under Captain John Grant of Easter Elchies, his brother-in-law. On 11th July 1690, decree of forfeiture was passed against him and other rebels, but owing to the general settlement of 1691 it does not seem to have been enforced. At the Pasch head court at Banff of that year he appears in the suite roll for Tullochcarron. He was present at the election meeting in Banff on 6th October 1702, when young Boyne and Bracco were elected Commissioners of the shire. Meantime his estate was becoming more involved in debt, and the preceding minute shows that Alexander Grant younger of Grant was in possession, no doubt as principal creditor. Colonel William Grant, a cadet of the Rothiemurcus Grants, who married Anne, sister of Alexander Grant of Grant, by arrangement acquired the estate of Ballindalloch from John Roy and his creditors about the year 1711.<sup>2</sup> John Roy Grant married c. 1682 Anne Francisca, second daughter of Count Patrick Leslie of Balquhain. He died before 26th April 1737.

The Commissioners of Supply met at Fordyce on 14th April 1705, and ordered the Whitsunday cess to be paid at the same rate as the Candlemas cess. They also directed the Collector to attend at Banff twice weekly to collect the same.

SEDERUNT of the Comissioners of Supply of the shyre of Banff mett at Banff the fyfth day of Junij Jayvij& and fyve yeires, Comissioners present — My Lord Boynd, The Lairdes of

<sup>1</sup> MS. Minutes of the Privy Council of Scotland.

<sup>2</sup> See pages 132-3.

Carnousie, Dunlugas, Skeith, Monblerie, Littlefield, Durne yor, Colleynard and Castlefield, who choised my Lord Boynd preses.

The above Comissioners with severall uther Gentlemen and Heretors haveing mett, representationes were made that most of the parishes of the shyre did attend the rendevouse appointed the 29th of May last past, but that some of the heretors were unwilling and gave no obedience to the act of Parliāt, and yrfor the Comissioners, Heritors and Gentlemen present recomend to the shyres Comissioners to the Parliament to represent the samyne in the nixt sessione of Parliāt, that the Parliāt may do in the sd matter as they think fitt. . . .

The sds Comissioners doe think fitt that a representatione be made and sent up to the Lords of Counsell and Sessione mentioneing that Wm. Dunbar of Durne second sone to the Laird of Durne being constitute Magizine Master to give out forrage to the forces in the yeires 1689 and 1690, and he haveing counted yrfor with the sd shyre and being fullie satisfied, and a considerable sowme being allowed him for his gratifica<sup>o</sup>ne, by and attour the ballance of his accounts, he hes since that tym obtained rights from severall persones in the shyre, als weill from them who never paid in corne and straw, as from them who payed, and hes now intentit actione agt Birkenboig and Bracco who did uplift some money q̄ch was payed in by the publict to Collonell Erskine in the shyres account ffor the said fforrage, notwithstanding it was weill known to the sd Wm. Dunbar that the sds Bracco and Birkenboig had by order of the Earle of ffindlater, my Lord Boynd and severall uyr Comissioners payed ane old debenter resting by the shyre to the publict, by reasone the then Collector his turneing bankrupt, and that a considerable partie was lyeing on the shyre for the samyn.

The Comissioners divyde the shyre in thrie districtes Banff, Cullen and Keith as befor.

PATRICK OGILVIE.

The Act of Security<sup>1</sup> passed by the Scots Parliament on 5th August 1704, postponing the settling of the succession to the Scots throne, and excluding the successor to the crown of England, was successfully used as a lever to force conditions of union favourable to Scotland. In further security of the objects of the statute, it was enacted that the whole Protestant Heretors and all Burghs within the kingdom shall



furthwith provide themselves with fire arms for all the fencible men who are Protestants within their respective bounds, and those of the bore proportioned to a bullet of fourteen drop weight running, and the said Heretors and Burghs are hereby impowered and ordained to discipline and exercise the said fencible men once in the moneth at least.

For the Right Honnorable the Earll of ffinlater at Edb. thes.

MY LORD

I am loth to give your Lo. any trouble, but ther is som of our young Commissioners who have sett up to counteract what wes done by your Lo. and others som years ago in relation to payng the debenter that wes on the shyr, by applying ane part of the pryc of the corn and straw for clearing of the shyr of parties. I have sent your Lo. ane extract of on of thos acts that you may sie who ar concerned to defend that action. I hop your Lo. sinc you ar on the pleas, will be at som paiens in the defens of that action, which will frie your Lo. and others from further trouble. I beg pardon for this trouble and am,

My Lord,

Your most humble servant,

Boynd Feb. 12. 1705.

PATRICK OGILVIE.

The Commissioners met at Banff on 5th October 1705, and imposed the cess. They chose Castlefield Collector at a yearly salary of 500 merks, and Patrick Leslie, Sheriff Clerk, Clerk, at a yearly salary of 200 merks. Dr. Steinson was continued Post from Banff to Aberdeen at a weekly salary of two shillings stg., to be paid by all subscribers to his salary and others who will willingly pay the same.

By the Act of Supply<sup>1</sup> of this year, eight months' cess was voted out of the land rent; and the Lord Banff and John Mark, Provost of Banff, were added to the list of Commissioners.

SEDERUNT of the Commissioners of Supply of Banffshire holden att ffordyce the eight day of January Jayvij& and six years. Commis<sup>rs</sup> pñt—My Lord Boynd, Collynewart, Castlefield, who choised my Lord Boynd preces.

There being intimationes and letters sent to aquant the severall Commiss<sup>rs</sup> of the shire to meett this day and place to regulat the

<sup>1</sup> The Acts of the Parliaments of Scotland, Vol. XI., p. 319.

Candlemas cess and to consert some matters of importance concerning the shire, and none having come except those above named, the Commissioners pñt considering that yr is presentlie ane actione depending before the Lords of Sessione agt the Comissioners of this shire at the instance of Bracco and Birkenbog and Wm. Dunbar second sone of the Laird of Durne, and the sd actione being given out to advocats for the Commiss<sup>rs</sup> to sie and ansyr, it will be necessary to lay on the expenses for defending the samen upon the shire: Therefore the sds Commiss<sup>rs</sup> pñt doe allow and ordaine eighteen pennies upon each hundred pounds of valued rent of the sd shire to be collected at Candlemas nixt, and the like sune at Lambas nixt, making with the three pounds two shillings six pennies formerlie stented three pounds four shillings Scots mony termly for the sds two termes, by and attouer Dr. Steinsons sallarie which they continue as before; which eighteen pennies termly for the sds two termes the sds Commiss<sup>rs</sup> doe ordaine to be applyed for the defence of the fors<sup>d</sup> actione, and ordaines intima<sup>ones</sup> to be issued out for the cess as now stented, with this declaratione that the cess be payed in to the Collector within fourteen dayes after the terme of pay<sup>t</sup>, otherwayes to be lyable yrafter for deficiencie, as the Commissioners at a more full meeting shall appoynt, in respect that the Collector hes advanced his owne mony to frie the shire of pairties, notwithstanding yr be sērall deficiencies in the shire, and my Lord Boynd as preces hes subt this sederunt for and in name of the meeting.

PATRICK OGILVIE.

#### RENUNCIATIONS OF BREWING ETC. OF EXCISABLE LIQUORS.

Day forsd Allexr fforsyth in Collynewart gave in a renuncia<sup>one</sup> of his brewing or wearing of ale bear aquavitie and all excyseable liquors after the first of March nixt, which renuncia<sup>one</sup> the sds Commiss<sup>rs</sup> admitted.

#### COMMISSIONERS OF EXCISE.

As this is the last reference to excise procedure before the union of the Parliaments, the following minute of the Privy Council of 4th February 1690, though somewhat out of time and place, shows that the Commissioners of Supply soon swallowed up the duties of the Commissioners of Excise appointed under the statute of 1661:—

The Lords of his Majesties Privy Councill considering the fourteinth act first Sess: first Par: K: Cha: 2<sup>d</sup>., the estates of parl: have in

persuance of their former act of the date the                      day of  
 j<sup>m</sup>vjc sixtie on years nominated and appoynted Co<sup>m</sup>rs. of Excyse  
 within the severall shyres of this kingdome to the effect therin  
 mentioned, and have given power to the Lords of his Majesties Privy  
 Councill to nominate and appoynt Co<sup>m</sup>rs of Excyse in the respective  
 shyres and burghes upon the death or inability of any of the Co<sup>m</sup>rs  
 therin named, and ther being severall importunat exigencies in the  
 government and for his Majesties service, which necessarily requyre the  
 makeing up of the number of the saids Co<sup>m</sup>rs, and suplying the places  
 of such of them as are deceased or inabilitate to discharge that dutie,  
 to the effect the saids Co<sup>m</sup>rs may meett and sitt for dispatching and  
 expedding such of his Majesties service and commands as does belong  
 or may be direct to them. Therefore the saids Lords be vertue of the  
 power and warrand granted to them be the forsaid act of Parliament for  
 supplying the vice and roume of the number of                      persones therin  
 named, who are now deceased, have nominated appoynted and ordained,  
 and be thir presents nominates appoynts and ordaines such of the  
 Co<sup>m</sup>rs of Assessment and Suplie of the shyre of Banff, who were  
 present at a meeting of the saids Co<sup>m</sup>rs and swear and signed the  
 oath of alledgance to their Majesties at Banff the twentie fourth of  
 September j<sup>m</sup>vjc eightie nyne years, to be Co<sup>m</sup>rs of Excyse within  
 the said shyre of Banff to the effect mentioned in the said act of parl:  
 in vice and place of the Co<sup>m</sup>rs of Excyse now deceased. And the  
 saids Lords of Privy Councill doe appoynt the major part of these  
 mentioned in the act of parliament, who are yett alyve, and of these  
 who are heirby commissionat and appoynted to supply the vice and  
 place of those deceased, who shall meett and convene the first or  
 subsequent dyets upon the account of furnishing provisiones and other  
 necessaries to the garisones to be a quorum, with power to them to give  
 the necessary ordors for furnishing provisiones and magizones to their  
 Majesties forces and to do all other things in that shyre that may  
 contribute for makeing the same effectuall, and discharges all others to  
 midle therin; and they heirby appoynt the saids Co<sup>m</sup>rs to send up a  
 list of what more persones will be necessary to be joyned with them in  
 that Commissione for dischargeing the said trust, with the report of  
 their takeing the oath of alledgance the twentie fourth of September  
 j<sup>m</sup>vjc and eightie nyne, to the Clarke of Councill, with the oath of

allegdange of such of the Co<sup>m</sup>rs of Excise, who ware nominat by act of parliament j<sup>m</sup>v<sup>j</sup>c and sixtie on, upon their meeting, provyding the samen be done bewixt and the fyfteinth day of March, and report to the Clark of Councill in maner forsaid.

SEDERUNT of the Commiss<sup>rs</sup> of Supply of Banffshire holden att Banff the last day of Jary Jayvij& and six years, Commiss<sup>rs</sup> p<sup>n</sup>t — My Lord Boynd, The Laird of Boynd, Denlugas, Collyneward.

The Commiss<sup>rs</sup> p<sup>n</sup>t choised my Lord Boynd preces. The sd day in obedience to former acts compeared John Donaldsone late Clerk to the Commiss<sup>rs</sup> of Supply of the sd shire and gave up to Patrick Leslie now yr Clerk the former sederunts of the sds Commiss<sup>rs</sup>, beginning the tenth of November Jayvij& and ninety six years and ending the fifth of June last bypast, consisting of ffourty seven leaves whereof one blank, with the pri<sup>n</sup>ll valua<sup>o</sup>ne rolls of the sd shire; and for any other papers relating to the Commiss<sup>rs</sup> affairs he promises to deliver up the same to the said Patrick Leslie by inventar and on his recept, q<sup>n</sup>ever he calls for the same.

The Commiss<sup>rs</sup> p<sup>n</sup>t orders yr Clerk to extract ane sederunt at Cullen the thirteenth day of June Jayvij& and nynty nyne yeares, and to send the same to my Lord Boynd, that his Lop. may transmitt it to my Lord ffindlatter to instruct who were Commiss<sup>rs</sup> y<sup>n</sup> p<sup>n</sup>t that gave warrand to Bracco and Birkenbog to pay the y<sup>n</sup> debentur out of the mony in yr hands anent the corne and straw of this shire.

The Commiss<sup>rs</sup> orders the Clerk to regrat his factory from Castlefield for collecting the supply of the shire.

The Commiss<sup>rs</sup> p<sup>n</sup>t recommends to Kinninvie and Collynewart to peruse the Collectors list of deficiencie, and to stent what deficiencie they shall find due upon the deficients, and that q<sup>n</sup> called by the Collector; and recomends p<sup>a</sup>rlle that the pairtie be sent to Ballindalloch to quarter on these lands, and to lye yr till all yr former cess and deficiencies be payed. And the preces hes subt this sederunt for and in name of the meeting.

PATRICK OGILVIE.

It is more than probable that a Valuation Roll of the County was made up immediately after 1667. That roll, however, is not extant. It was only the other day that any trace of the rolls referred to in the preceding minute was obtained. The minutes of the Commissioners of Supply of May 1753, containing the following entry, gave the clue: "The Commissioners having inspected the principal valuation book of the shire, they find it necessary to record the same for preservation, and appoint the Collector, if he goes to Edinbr. this summer, to carry it with him to be recorded in the Books of Councill and Session." In 1755 the sum of 7s. 10d. was paid by the Commissioners of Supply "for registrating the Valuation Book of the Shire in the Books of Session." An extract was accordingly ordered, and the County Valuation roll as made up in 1690 was given out. The original had been returned to the County authorities after registration, but has for many years been missing.

The supply act of 7th June 1690 impowered the Commissioners in the respective shyres upon complaints made to them of any inequality in the present valuations, either betwixt one parish and another within the same shyre, or particular heretors lands within one and the same parish and shyre, to rectifie the same where they finde them unequall, and for that effect to take tryall of these Valuations in the way and manner prescryved by the act of the Conventione of Estates in the year Imvj<sup>c</sup> sixtie seven . . . providing always the quotas of the respective shyres be continued and remaine without any alteratione, and that this supply shall be payed . . . by the remanent shyres [except Berwick] according to their present valuations, ay and whill the saids new valuations shall be closed and determined, and that the rectifications of the severall valuations shall only take effect for subsequent termes after adjusting thereof, excepting the shyre of Argyle, provydeing likewayes that, when the rectifyeing of any of the present valuations shall be considered and determined, there be at least present a third part of those who accept of the trust of the Commissioners in the respective shyres.

In consequence of this Act, the following Valuation Roll of Banffshire, with a few obvious clerical errors made by the copyist corrected, was made up by the Commissioners of Supply of Banffshire.

At Edinburgh the Third day of July One thousand seven hundred and fifty four years: In presence of the Lords of Council and Session, Compeared David Grame Esq. Advocate as Procurator for Alex<sup>r</sup> Innes Collector of the Land Tax of the Shyre of

Banff, Ingiver of the Valuation Rolls underwritten, desiring that the same might be registered in their Lordships' Books as a Probative Writ conform to Act of Parliament anent the registration of Probative Writs, which desire the said Lords found reasonable and ordained the same to be done accordingly whereof the tenor follows viz:—

The Valuation Rolls of the Sherriffdom of Banffe as they have been valued and certified by the Comm<sup>rs</sup> appointed be the act of Parliat at Edgr the seaventh of June Imvy& and ninty years.

<i>Raffen Parish.</i>	£	s.	d.
Cranoch James Cock ffortie pounds - - -	40	0	0
E. Boggs John Stewart Twenty six pounds - -	26	0	0
Golochie Miln John Mawet thirtie libs - - -	30	0	0
Laird of Ranis twelve hundreth libs - - -	1200	0	0
Cairnfield Robert Gordon one hundreth and fifty pounds	150	0	0
Clastirum Pat. Gordon Sixty pounds - - -	60	0	0
Orran William Paterson twenty six libs - - -	26	0	0
Leitchestoun Pat. Gordon One hundreth and twenty libs	120	0	0
Nether Buckie John Gordon one hundreth and twenty libs	120	0	c
Tanachie Pat. Stewart one hundreth libs - - -	100	0	0
Golochie John Gordoun ffourtie libs - - -	40	0	0
Cowfurach James Gordon one hundreth and fifty libs	150	0	0
Leterfurie John Gordon One hundreth pounds - -	100	0	0
Arradoull Alex <sup>r</sup> . Gordon One hundreth libs - -	100	0	0
Oxhill John Stewart eighty libs - - -	80	0	0
Upper Buckie John Gordon nyne hundreth libs -	900	0	0
ffarskan W <sup>m</sup> . Gordon three hundreth libs - - -	300	0	0
Muldavit John Hay Three hundreth libs - - -	300	0	0
ffindochtie W <sup>m</sup> . Ord Two hundreth and thirty-libs -	230	0	0
Curidoun John ross Eighty libs - - -	80	0	0
Duke Gordon one thousand eight hundreth libs -	1800	0	0
Thornibank John Gordon Sevinty lib - - -	70	0	0
Earl of Findlater Three hundreth thirty eight p <sup>ds</sup> -	338	0	0
Birkinbush James Gordon Twenty libs - - -	20	0	0
Bogs Alex <sup>r</sup> . Reid ffifteen libs - - -	15	0	0
Summa of this parish is - -	£6395	0	0

*Ballie Parish.*

	£	s.	d.
Achinhalrick Duke Gordon fourtie libs - - -	40	0	0
Nether Achinreth James Anderson One hundreth p <sup>ds</sup>	100	0	0
Miln of tynet James Anderson Twenty lib - -	20	0	0
Duke of Gordon Two thousand seven hundreth lib -	2700	0	0
	<hr/>		
	£2860	0	0

*Deskfoord Parish.*

	£	s.	d.
Sir James Ogilvie fourteen hundreth libs - - -	1400	0	0
Skeith George Abercrombie one hund and eighty libs	180	0	0
	<hr/>		
Su <sup>a</sup> of this parish is - - -	£1580	0	0

*Rothemay Parish.*

	£	s.	d.
Turtrie Arthur Forbes ffive hundreth and fifty libs -	550	0	0
Mayen his whole Interest p <sup>r</sup> Seven hundreth libs -	700	0	0
Reidhill Alex <sup>r</sup> Smart ffourtie libs - - - -	40	0	0
John ffordyce on hundreth libs - - - -	100	0	0
George ruddoch ffifty libs - - - -	50	0	0
John Elies ffifty libs - - - -	50	0	0
James ffordyce ffifty lb - - - -	50	0	0
John Gordon eighty lib - - - -	80	0	0
Walkmiln Claymyre and E. Rothemay John Gordon fifteen hundreth and fiftie lib - - - -	1550	0	0
	<hr/>		
Sum of this parish is - - -	£3170	0	0

*Aberchirder Parish.*

	£	s.	d.
Knockorth John Innes three hundreth libs - -	300	0	0
Achenderen Alex <sup>r</sup> . Wilson Three hundreth libs - -	300	0	0
Alex <sup>r</sup> . Innes four hundreth libs - -	400	0	0
Ardmelly James Gordon one hundreth and sixty libs	160	0	0
Alex <sup>r</sup> . Gordon ffive hundreth and fifty nine lib.	559	0	0
Zachrie Mr. James Gordon's aires four hundreth libs -	400	0	0
Kinardy David Gregory one thousand and thirty three libs	1033	0	0
Cromby Mr. George Meldrum Six hundreth and ten lib	610	0	0

Corskie John Abernethie one hundreth and thirty three lib 6/8 <sup>d</sup> - - - - -	£133	6	8
Cluny Robert Sanders one hundreth and twenty libs	120	0	0
Torstoun Alexander Abercrombie One hundred and thirty three lib six shilling eight pennies - -	133	6	8
Tilidoun John Abernethie Sixty six pounds - -	66	0	0
Tanoch Sir George Gordon one hundreth and thirty lib	130	0	0
Shanck and Barie James Abernethie one hundreth libs	100	0	0
Torex L. of Park fiftie lib - - - - -	50	0	0
L. Oliphant four hundreth lib - - - - -	400	0	0
Summa of this parish is - -	£4894	13	4

<i>Ordiwhill</i> Sir John Gordon of Park One thousand and seven hundreth libs - - - - -	1700	0	0
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*Boyndie Parish.*

	£	s.	d.
Paddockburn one hund and fifty libs - - - bankhead	150	0	0
L. Boyne for himself and Two thous <sup>d</sup> one hund and eighty libs - - - - -	2180	0	0
Rhaties L. Boyne four hundreth libs - - - - -	400	0	0
Blairmad Two hundreth libs - - - - -	200	0	0
Baldavie James Ogilvie one hundreth and fifty libs -	150	0	0
William succ <sup>rs</sup> fourty lib - - - - -	40	0	0
Kirktown L. Boyne One hundreth lib. - - - - -	100	0	0
Sum of this parsh is - - - - -	3220	0	0

*Inverkithny Parish.*

	£	s.	d.
Drachly milne One hundred thirty three p <sup>ds</sup> six shilling eight pennies - - - - -	133	6	8
Kirktown David Cruickshank four hundreth libs - and balnoon - - - - -	400	0	0
Ardfour L. Oliphant three hundreth and fifty pounds	350	0	0
Dowager of ffrendraucht Two hundreth sixty six pound thirteen shillings four pennies - - - - -	266	13	4
Achingoull Geo. Crichton one hundreth fifty three pounds 6/8 <sup>d</sup> - - - - -	153	6	8



Dounies one hundreth and thirty three pounds	-	£133	0	0
Achinhamper Two hundreth and sixty six pounds	-	266	0	0
Haddomiln Geo. Sinclair One hundreth libs	- -	100	0	0
Upertulos Alex <sup>r</sup> Leslie Sixty six lib	- - - -	66	0	0
Tullos Johnston of Craig three hundreth and thirty pounds	- - - - - - - -	330	0	0
Summa of this parish is	- -	£2198	6	8

*Botriline Parish.*

		£	s.	d.
The ffewers for feudutys one hundreth and fifty lib	-	150	0	0
Drumuir for his whole Lands Six hundreth libs	-	600	0	0
Balihack Alex <sup>r</sup> . Duff Two hundreth libs	- - -	200	0	0
Westertoun James Anderson one thous <sup>d</sup> libs	- -	1000	0	0
Towiebogg Adam Innes three hundreth pounds-	-	300	0	0
Badinfinch Walter Innes Seventy pounds	- - -	70	0	0
Summa	- - - - -	2320	0	0

*Boharme Parish.*

		£	s.	d.
Botabridge and				
brightoun Laird of Grant One hundreth pounds	-	100	0	0
Miln of Papin Walter Grant fifty libs	- - -	50	0	0
Ekenway one hundreth thirty libs	- - -	130	0	0
Arntilly Walter Grant Eighty libs	- - - -	80	0	0
Easter Galdwell Grant one hundreth sixty libs		160	0	0
Achlunkart for all his Lands there one thousand libs		1000	0	0
Newtoun Mr. Thomas Law three hundreth and fifty libs		350	0	0
Achmades Laird of Grant two hundreth lbs	- -	200	0	0
Knocken Paul Mcpherson One hundreth libs	- -	100	0	0
Summa of this parish is	- -	£2170	0	0

*Gemrie Parish.*

		£	s.	d.
Lichtnet James Innes three hundreth libs	- -	300	0	0
Achorsk James B seaventy libs	- - - -	70	0	0

Whythill John Urquhart one hund thirty three pounds six shill. eight pennies - - - - -	£133 6 8
Pitgar Sir James Baird one hund and eighty lib -	180 0 0
Troup and Minenie Alex <sup>r</sup> . Garden one thousand six hundreth and twenty lib - - - - -	1600 0 0
Northfield Geo. Keith Two hundred sixty six lib -	266 0 0
Tarlair M <sup>r</sup> . Thos. Gardin one hundreth and twenty libs	120 0 0
Marget baird now Geo. Leslie thretty libs - -	30 0 0
Qualen Ladytowie Eight hundreth libs - - -	800 0 0
Melrose John Ramsay four hundreth and ten libs -	410 0 0
Silverford John Keirie fourty libs - - - -	40 0 0
Doune George Leslie five hundreth libs - - -	500 0 0
Munbleton Walter Graham Six hundreth twenty libs	620 0 0
Earl of Buchan now John Keirie one hundreth and fifty lib - - - - -	150 0 0
Rob <sup>t</sup> . Straton now John Keirie one hundreth and thirty lib - - - - -	130 0 0
James farquhar now John Keirie one hundreth and twenty lib - - - - -	120 0 0
Summa of this parish is - -	<u>£5489 6 8</u>

*Landward of Banffe.*

	£	s.	d.
Lord Banff and his wodsetters one thousand one hundreth libs - - - - -	1100	0	0
E of ffindlater his interest ffive hundreth thirty three libs	533	0	0
Reids Tack Lord boyn ffifty libs - - - -	050	0	0
Miln of Boyndy Lord Boyne Thirty libs - - -	30	0	0
Earl of Airly and wodsetters Six hundreth libs -	600	0	0
Summa of this parish is - -	<u>£2313</u>	0	0

*Keith Parish.*

	£	s.	d.
Kempcarne John Ogilvie ffive hundreth and fifty libs	550	0	0
Pitlurg Gordon five hundreth libs - - -	500	0	0
Edentor Alex <sup>r</sup> . Gordon One hundreth libs - - -	100	0	0

Kinminity	Sutherland Eight hund lib	-	-	£800	0	0
Tarmor	Sutherland one hund lib	-	-	100	0	0
	Alex <sup>r</sup> . Bayly eighty libs	-	-	80	0	0
Ardneidly Laird of Grant	Two hundreth and fifty lib			250	0	0
Cursartly Couperhill and Miln <sup>t</sup> , Aradoull for all his						
	Lands there ffive hund pounds	-	-	500	0	0
Coldhom	One hundreth libs	-	-	100	0	0
Nether Achanasie Alex <sup>r</sup> phin	Two hundreth libs	-		200	0	0
Glengarok and new	Gordon four hundreth					
	and fifty libs	-	-	450	0	0
Ailhoustcroft Henry Palmer	ten libs	-	-	10	0	0
Milntoun Lo/ Oliphant	One hundreth and fifty lib	-		150	0	0
Craigduff Lo/ Oliphant	fourty lib	-	-	40	0	0
Birkenburne Alex <sup>r</sup> . Gordon	eighty lib-	-	-	80	0	0
Achynanie David Gordon	four hundreth libs	-	-	400	0	0
Little Cantly	eighty libs	-	-	80	0	0
Achyndachie John Gordon	Six hundreth libs	-	-	600	0	0
Lethen for few Dutys	One hundreth libs	-	-	100	0	0
Bishop of Moray for few Dutys	fifty lib	-	-	50	0	0
Summa of this parish is				£5140	0	0

*Forglan Parish.*

£ s. d.

fforglan Lord Banff	five hund pounds	-	-	500	0	0
Todlaw	Mercer One hundreth and fifty libs	-		150	0	0
Scotstoun and Brodmyre Mr. And <sup>r</sup> Hay	sixty lib	-		60	0	0
Old toun of Carnousie George Cow	fifty libs	-	-	50	0	0
Cranabogg Sir George Gordon	Sixty libs	-	-	60	0	0
Carnousie Sir Geo. Gordon	Two hundreth and fifty libs			250	0	0
Bogtoun Sir Geo. Gordon	one hund libs	-	-	100	0	0
	John Brockie fifty libs	-	-	50	0	0
	Rob <sup>t</sup> . Wobster fifty libs	-	-	50	0	0
	John Stevenson One hundreth libs	-	-	100	0	0
	Miln of Burnend fifty libs	-	-	50	0	0
Sum of this parish is				£1420	0	0

<i>Fordyce Parish.</i>		£	s.	d.
Muirack Geo. Gordon one hundreth and thirty libs -		130	0	0
Halyards Pat <sup>k</sup> . Ogilvy one hundreth and fifty libs -		150	0	0
Brekinhills Alex <sup>r</sup> . Abercromby Two hund and fifty libs		250	0	0
Birkenbog Sir James Abercrombie one thousand three hund lib - - - - -		1300	0	0
Cowhyth Lo/ Boyne one hund and fifty lib - -		150	0	0
Glashauchs Alex <sup>r</sup> . Morison Six hundreth sixty six pds		666	0	0
Bogmuchells Earl of Airly five hundreth libs - -		500	0	0
Earl of findlater five thousand lib - - - -		5000	0	0
Alex <sup>r</sup> . Adam Twenty four lib - - - -		24	0	0
James Ogilvy fourty lib - - - -		40	0	0
John Strachan Ten lib - - - -		10	0	0
James Phin Twenty lib - - - -		20	0	0
Jenat Adam twelve lib - - - -		12	0	0
Geo. Strachan ten lib - - - -		10	0	0
Robert Anderson twelve lib - - - -		12	0	0
Sum of this parish is - -		£8274	0	0

<i>Alvach Parish.</i>		£	s.	d.
Stonielay Robert Sanders One hundreth libs - -		100	0	0
Auchinbady Walk Miln and Pathhead, George Mortimer Three hundreth and fifty libs - - - -		350	0	0
Bythstoun Cuming Twenty libs - - - -		20	0	0
Alvach Earl of Airly Two hundreth and fifty lib -		250	0	0
Lord Banffe Six hundreth lib - - - -		600	0	0
Inveruchnie and Funkieston Peter Russell three hund one lib six sh. eight pennies - - - -		301	6	8
Dunlugus Robert Grant ffive hundreth sixty six pounds 13 <sup>s</sup> . 4 <sup>d</sup> . - - - -		566	13	4
Outlaw Walter Stewart three hundreth and fifty lib		350	0	0
Muirihill Lord Banff three hundreth libs, 400 Lord [?]		300	0	0
Earl of Buchan now John Keirie Two hundreth sixty six lib 13/4 <sup>d</sup> - - - -		266	13	4
Montblairie Mr. Andrew Hay Two hundreth lib -		200	0	0
Summa of this parish is - -		£3304	13	4

Straloch	Gordon Eight hundreth libs	-	-	£800	0	0
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St. fergus and Fetterangus Earl of Marishall four thousand libs	-	-	-	-	4000	0	0
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Barony of Gairtly L. Dowager of Huntly	-	-	-	1050	0	0
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*Mortlich Parish.*

£ s. d.

Coronasie and ffew Dutys Duke Gordon Two hund and thirty three libs	-	-	-	-	233	0	0
Parkmor Geo. Leslie Two hundreth libs	-	-	-	-	200	0	0
Lesmurdy Alex <sup>r</sup> . Stewart Two hundred eighty three libs	-	-	-	-	283	0	0
Sockach Alex <sup>r</sup> . Stewart ffifty libs	-	-	-	-	50	0	0
Balchirie John Gordon One hundreth libs	-	-	-	-	100	0	0
Edenglasie Sir Geo. Gordon ffive hundreth lib	-	-	-	-	500	0	0
Kininvie John Lesly three hundreth libs	-	-	-	-	300	0	0
Lecathie Captain Gordon Two hundreth and twenty lib	-	-	-	-	220	0	0
Baldornie John Gordon Two hundreth lib	-	-	-	-	200	0	0
Achinhandoch Sir Geo. Gordon One hundreth and ffifty lib	-	-	-	-	150	0	0
Parkbogg John Leslie One hundreth and twenty lib	-	-	-	-	120	0	0
Bohrome Alex <sup>r</sup> . Leslie Ninety libs	-	-	-	-	90	0	0
Tullich Mr. John Leslie one hundreth and ffifty libs	-	-	-	-	150	0	0
Bishop of Aberdeen for his ffew Dutys in this and fordyce parish one hundreth and sixty libs	-	-	-	-	160	0	0
Duke Gordon for his own and his mother's Liferent Lands thirteen hund libs	-	-	-	-	1300	0	0
Bracko Alex <sup>r</sup> . Duff for his own and his father's Lands nine hund libs	-	-	-	-	900	0	0
Keithmor for his wodset Lands in Auchindoun one hund libs	-	-	-	-	100	0	0
Lochend James Anderson Twenty lib	-	-	-	-	20	0	0
Sum of this parish is	-	-	-	-	£5076	0	0

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*Kirkmichaell Parish.*

Braes John Grant Two hundreth libs	-	-	-	£200	0	0
Keppoch two hund sixty six libs $13/4^d$	-	-	-	266	13	4
Dell ffourty two libs	-	-	-	42	0	0
Duke Gordon for few Dutys Eighty three lib $6/8^d$	-	-	-	83	6	8
Delnabo John Grant two hund and thirty three lib 6 sh. $8^d$	-	-	-	233	6	8
Easter Cambdell James Gordon one hundreth and twenty libs	-	-	-	120	0	0
Achriachan & Wester Cambdell Farquharson Three hundreth and fifty lib	-	-	-	350	0	0
Carron Grant five hundreth thirty three lib six shilling eight pennies	-	-	-	533	6	8
Inverurie and Inverchobit Two hundreth and fifty libs	-	-	-	250	0	0
Ruvon Duke Gordon Eighty libs	-	-	-	80	0	0
Sum of this parish is	-	-	-	2158	13	4

*Inverawin Parish.*

				£	s.	d.
Tomnovillan John Grant One hundreth and twenty libs	-	-	-	120	0	0
Badievochell Eighty libs	-	-	-	80	0	0
Navie and Tombea four hundreth and fifty libs	-	-	-	450	0	0
Achorachan and Easter Blairfindy three hundreth and eighty lib	-	-	-	380	0	0
Tombreakachie one hundreth and thirty lib	-	-	-	130	0	0
Deskie Gordon one hundreth and eighty lib	-	-	-	180	0	0
Drumin Stewart one hundreth libs	-	-	-	100	0	0
Delnabo Robert Grant one hundreth and fifty lib	-	-	-	150	0	0
Minimor Letach and over dounen Two hundreth and fifty lib	-	-	-	250	0	0
Blairfindy William Grant eighty libs	-	-	-	80	0	0
Wester						
Culphoich John Grant One hundreth libs	-	-	-	100	0	0
Kilmachly John Stewart three hundreth thirty three libs $6/8^d$	-	-	-	333	6	8
Letach and Dounan one hundreth and twenty lib	-	-	-	120	0	0
John Grant four hundreth libs	-	-	-	400	0	0

Lyferentrix thereof three hundreth libs	-	-	-	£300	0	0
Morinsh Thomas Nairn three hundreth and fifty libs				350	0	0
Duke Gordon for ffew Dutys one hundreth and fifty libs				150	0	0
Sum of this parish is	-	-	-	3673	6	8

*Skerduston Parish.*

Carron	Grant four hundreth libs	-	-	400	0	0
Kinermundie	Innes four hundreth and fifty libs			450	0	0
Edenvellie	Three hundreth and fifty libs	-	-	350	0	0
Aberlour Adam Gordon	Two hundreth and fifty libs			250	0	0
Mudhouse John Anderson	ffifty libs	-	-	50	0	0
Boat of ffidach John Grant	thirty libs	-	-	30	0	0
Breagachie and Letervandich	Two hundreth and fourty libs	-	-	240	0	0
Brecko and his fathers	Interest there four hund seven lib	-	-	407	0	0
ffewers for ffew Dutys	fourty libs	-	-	40	0	0
Sum of this parish is	-	-	-	2217	0	0

*Grenge Parish.*

		£	s.	d.
Edengight for his whole	Interest five hundreth libs	500	0	0
Glengarock	Gordon Three hundreth libs	300	0	0
Dauch of Grange Duke Gordon	four hundreth and sixty libs	460	0	0
Myretoun Peter Stewart	one hundreth and twenty libs	120	0	0
Hauche John ffordyce	Sixty five libs	65	0	0
Walter Mitchell for all his	Lands one hundreth libs	100	0	0
Mudhall John Ruddoch	thirty five libs	35	0	0
ffortrie David Ruddoch	eighty four libs	84	0	0
Adam rudoch and Burnside	one hundreth libs	100	0	0
John Chrystie	Twenty six libs	26	0	0
Pat <sup>k</sup> . Neil's succ <sup>rs</sup> .	fifteen libs	15	0	0
Cranoch Thomas Gordon	eighty libs	80	0	0
Margaret Rudoch	twenty five libs	25	0	0
John Ogilvy	Twenty libs	20	0	0

Echeres John Hay eighty libs	-	-	-	-	-	£80	0	0
Poolfald Peter Sim fourty lib	-	-	-	-	-	40	0	0
Cantly and Windyhills John Ogilvy Two hundreth and twenty six libs	-	-	-	-	-	226	0	0
Lethen for few Dutys one hundreth libs	-	-	-	-	-	100	0	0
Brecko for his Lands One thousand four hundreth lbs						1400	0	0
Sum of this parish is						3776	0	0
Bridge of Don Eight hundreth libs	-	-	-	-	-	800	0	0

Totalis of the Valuation of the whole shire is Eighty thousand pounds.

This valuation was closed at Cullen the 31<sup>st</sup> of October 1690 years, and subscribed as follows. (Signed) Patrick Ogilvie, A. Duff, Patt. Duff, Alex<sup>r</sup>. Hay, Jo. Innes.

#### RESCINDING OF RESOLUTION OF 8TH JANUARY, 1706.

SEDERUNT of the Commiss<sup>rs</sup> of Supply of the shire of Banff holden att Banff within the tolbooth yrof upon the last day of January Jayvij& and six years, Commiss<sup>rs</sup> pñt—Carnousie, Crombie, Durne yor, Meyan, Glassaugh, Corskie and Litlefield, who choised Carnousie preces.

The which day @nent intima<sup>ones</sup> sent to the adjacent parish kirks under the Clerks hand by warrand of Glassaugh, Durne yor and Skieth to call a meetting of the Commiss<sup>rs</sup> forsd to be here this day in order to consider on some matters of importance relating to the sd shire, as the sds intima<sup>ones</sup> and warrand yrof now produced by the Clerk in ymselves bears :

Compeared the above named Commiss<sup>rs</sup>, and having heard read ane sederunt att ffordyce upon the eight day of January current and having considered the samen, ffind that the eighteen pennies imposed at yt meetting on the shire over and above the first stent made the fifth day of October last to be payed at the termes of Candlemas and Lambas next is most illegall in respect it is not imposed by authority, and as yr act bears only for defence of a private actione wherein the shire hes no concerne; and therfor ordains the sds Candlemas and Lambas termes cess to be collected as stented the sd fifth day of October last being



thrie pounds two shillings six pennies Scots termly upon each 100 lb. of valued rent of the shire, by and attoure Dr. Steinsons sallarie qch they continue as formerly: Whereanent these shall be the Collectors warrand; and the preces for and in name and at desyre of the metting hes sub<sup>d</sup> this sederunt.

GEO. GORDONE, I.P.C.

COMMISSION OF THE PEACE, 1706.<sup>1</sup>

ATT Edinburgh the fourth day of June Jayvij& and six years.

Commission nameing Justices of Peace within the shyre of Banff, read, voted, approven, signed and ordered to be recorded, wherof the tenor follows.

Anne by the Grace of God Queen of Great Brittain, France and Irland defender of the faith: To all and sundrie our leidges whom it effeiris, Forasmuch as the Commissioners of Supplie and heretors within the shyre of Bamff, haveing given in a petition to our Privie Councell craveing that their lordships would name Justices of Peace within the said shyre, for exerceing the jurisdiction power and priviledges granted to Justices of Peace, and Wee considering that it is necessary for our service, and the publict interest of the nation that fitt persones be appoynted to be Justices of Peace within the said shyre, therefore Wee with advyce and consent of the Lordis of our Privie Councell Doe heirby Grant full power authoritie and Commission to the persons following viz: The Earle Marishall, The Earle of Findlater, Sir Patrick Ogilvie of Boyne, James Ogilvie younger of Boyne, Sir James Abercrombie of Birkenboge, Sir Alexander Ogilvie of Forglen, James Dumbar younger of Durne, John Dumbar of Kirkhill, Alexr. Abercrombie of Glassach, Nicolas Dumbar of Castellfeild, William Lorimer Chamberlane to the Earle of Seafeild, John Hay of Muldavid, Alexander Abercrombie of Skeith, John Innes of Edingeith elder, Alexander Sutherland of Kinminnitie elder, John Ogilvie of Kincarden, Charles Gordon of Glengerroch, James Duff of Crombie, John Abernethie of Meyan, Alexr. Wilson of Litlefeild, George Gordon of Carnousie, Alexander Abernethie of Corskie, Mr. Andrew Hay of Montblerie, Rot. Grant of Dunlugas, Mr. William Joss of Cullenard,

<sup>1</sup> MS. Register of the Privy Council of Scotland.

The Laird of Grant younger, John Grant of Easter Elchies, John Steuart of Killmachlie, David Steuart of Milnetoun, John Grant of Ballendalloch, Walter Grant of Arndillie, Mr. James Leslie of Tullich, John Grant of Ruddrie, Alexr. Grant of Bognduie, John Grant of Carran, Robert Cuming of Ricletich, Alexander Sutherland of Kinminnitie younger, — Steuart of Tannachie, Alexr. Garden of Troup, William Ord of Findachtie, Sir Francis Grant of Cullen, and James Ogilvie of Logie, to be Justices of Peace within the said shyre of Bamff; with power to them to judge and determine in all matters remitted to the cognition and determination of Justices of Peace by the severall acts of Parliament, and particularlie the threttie eight act of the Parliament Jayvi& and sixtie one, and to putt the laws and acts of Parliament in execution in maner prescryved by the said act, and to nominat and appoynt constables, and doe every other thing warranded by the said act or any other acts laws and customes whatsoever, and any three of them to be a quorum; and appoynts the saids haill Justices of Peace to meit and conveine together at Bamff four tymes in the year viz: on the first Tuesday of May, first Tuesday of August, last Tuesday of October, and first Tuesday of March, and att any other tymes they shall think fitt to meet, in which sessions they are to administrat Justice to our leidges in all matteris relateing to their jurisdiction, and to doe every other thing which to the office of Justices of Peace by the law and consuetude of this realme is knowen to appertaine and belonge. Given att Edinburgh the fourth day of June, and of our reigne the fyfth year Jayvij& and six years. Sic subitur:—Buchan, Findlater, Forfar, Cromartie, Ja: Steuart, W. Anstruther, J. Hope, Ja. Maxwell, Gilb. Eliot, Jo. Cockburne.

SEDERUNT of the Commissioners of Supply of Banffshire holden att Banff the elevinth day of Jully Jayvij& and six years, Commiss<sup>rs</sup> pñt—My Lord Boynd, Jon Abernethie of Meyan, James Dunbar of Durne, Allexr. Gairdne of Troup, Mr. Andrew Hay of Monblearie, Mr. Wm. Joass of Collynewart, Nicolas Dumbar of Castlefield, Corskie younger.

The Commiss<sup>rs</sup> pñt choised my Lord Boynd preces. The sd day my Lord Boynd produced ane act of Counsell dated at Edr. the 4th day of June last bypast authorising the persones yrin named to be

Justices of Peace of Banffshire with power to them to exerce as such in all things relating to yr jurisdictione and power warranted by law as in the sd act of Councile at lenth is cont<sup>d</sup>: In obedience q̄runto the Commiss<sup>rs</sup> p̄nt as Justices of Peace appoynts the hail Justices of Peace named by the sd act of Councile to meett at Banff the first Tuesday of August nixt, being ane head quarterly meeting, and that under the faillie of fourty pounds Scots mony for each absent; and ordains intima<sup>ones</sup> to be issued out for that effect, and which intima<sup>ones</sup> are to require the se<sup>r</sup>all clerks and coll<sup>rs</sup> of the shyre to bring in yr books and accounts to be revised by the sd meetting. The sd Justices appoynts the Justices of Banff, Cullen and Kieth districts to meett w̄ yr severall clerks at Banff, ffordyce and Kieth rexive the ninteent of Jully current to revise the grāl acts made formerly by the Justices of Peace, and to report yr opinion or amendements anent y<sup>m</sup> to the forsd quarterly meeting. The Commiss<sup>rs</sup> p̄nt orders intimations to be issued out w̄ all conveniencie for the insueing Lambas cess as formerly stented to be payed in after the sd terme under paine of poynding and that upon Thursday and Friday weekly allennerly. And the preces for and in name of the meetting hes sub<sup>d</sup> this sederunt. PATRICK OGILVIE, I.P.C.

The Commission of the Peace of 1706, crisp and succinct in its phrasing, was the last in the Scots style. By the act 6 Anne c 6 (1707) Commissions of the Peace for Scotland were thereafter issued in cumbrous English form under the Great Seal; and the duties of Scots Justices were assimilated to those of England "in relation to or for the preservation of the publick peace." Only the methods of "tryal and judgment" remained Scots. The quorum of Justices hereafter was two instead of the ancient three of Scotland.

ATT Banff the twenty eight day of November Jayvij& and six years.  
Commisrs and Justices p̄nt:—Birkenboge, Durne, Crombie, Troup, Corskie, Castlefield and Collynewart, who choised Birkenbog preces.

Supply of eight months cess on the land rent imposed and stented with the salaries of Collector, Clerk and Post.

Anent a clame Castlefield agt Ballandalloch dect. as on the clame.

The Commiss<sup>rs</sup> as Justices of Peace appoynts James Sime in Brangand, James Stewart of Dallachie and Walter Hackat of Cairn-

toune, constables for the parish of Boindy, and ordains y<sup>m</sup> all to compier at the first meetting here or upon citatione. John Adam in Monblaitton chosen constable at the last meeting here for the parish of Gamrie compearing p<sup>er</sup>illy accepted the sd office in and upon him, and gave his oath de fideli. And the preces for and in name of the meeting have sub<sup>d</sup> this sederunt.

JA. ABERCROMBY, I.P.C.

The Commissioners on 30th January 1707, having stented the Candlemas cess, etc., increased the Collector's salary to 650 merks, and the Clerk's to 250 merks. The Post was continued to Candlemas 1708.

On 5th Feby 1707, in accordance with an act of Parliament in favour of Mrs. Jean Ramsay, relict of Lieut. General George Ramsay, to meet payment of arrears due to him in clothing a regiment of guards, the Commissioners imposed at Candlemas one week's cess at eight shillings and one penny Scots. Similar stents were made at Candlemas 1708, 1709 and 1710.

The Corporate Union of the Parliaments of England and Scotland took place on 1st May 1707. That year, 8 months' cess was imposed by the new British Parliament, and in terms of the Act of Union the amount for Scotland was £47,954 16s. stg., the proportion for England being £1,995,882 os. 5½d., the whole to be raised in a year from 25th March 1708. The amount to be raised from Banff was £95 12s. 7½d. stg. per month. These sums remained stereotyped thereafter as the contributions of the land tax from Scotland and England, though they were annually imposed until the Land Tax Act of 1798 made the tax perpetual.

On 30th December 1707, the Commissioners, in respect of two parties quartering on the shire at Candlemas and Whitsunday when the cess money due was on the road for Edr., add the deficiencies so caused to next Candlemas cess. Representation ordered to be made to the Treasury by bill shewing the diligence done by the shire regarding Ballandalloch's debenture, and craving allowance thereof in the ensuing Candlemas cess.

SEDERUNT of the Commiss<sup>rs</sup> of Supply of Banffshire holden at Banff the Twenty seventh day of Aprile 1708 years, Commiss<sup>rs</sup> p<sup>nt</sup>—Alexr. Abercrombie of Glassaugh, Robert Grant of Denlugas, Mr. Wm. Joass of Collynewart, Nicolas Dunbar of Castlefield, George Stewart of Rosieburne.

The sd day the Commiss<sup>rs</sup> p<sup>nt</sup> choises Glassaugh preces.

The Collector produced discharges for payment by him to the General Receiver and Mrs. Ramsay of the cess due to them; and his bond of cautionery lying in Collynewart's hands is ordered to be handed over to him.

The sd day the Commiss<sup>rs</sup> pñt having mett upon a call (the rest also being advertised) from the Shreff deput issued out by warrand of the act of the British Parliat anent the supply q̄rby yr is 8th moneths cess payable by yt part of the United Kingdome called Scotland at the termes yrin spec<sup>d</sup>, and by the sd act the rēxive Commiss<sup>rs</sup> are appointed to meett at the sräll head burghs this day, and the sds Commiss<sup>rs</sup> pñt having mett to stent and proportione the sd cess and to choise the Coll<sup>r</sup> and Clerk yrof: Patrick Leslye, former clerk, is elected Clerk to the new Supply and Castlefield is continued Collector. Their former salaries were 650 merks Collector, and 250 merks Clerk. Sieing yr wes a termes paines to both Coll<sup>r</sup> and Clerk by Mrs. Ramsays cess collected at Candlemas 1707, q̄ch wes not foreseen q̄n the sd last sallarie wes allowed and given, therfor the Commiss<sup>rs</sup> add to Collector and Clerk ane hundred merks equally betwixt them to yr former sallary, making in all to be stented for the new cess one thousand merks of sallary to Coll<sup>r</sup> and Clerk as above.

The Commiss<sup>rs</sup> also continues the Post and allows him his former sallary.

And the Commiss<sup>rs</sup>, having stented and casten the Queens cess of this shyre as given up in the forsd act of Parliat with the above sallaries, ffinds that at each of the four termes of the said new cess viz., the 24th June nixt, the 29 Septer nixt, the 25th Der also nixt and the 25th March 1709 years, the sd new cess is payable by equall portiones, the proportione of this shyre is three pounds three shillings Scots on each hundred pounds of valued rent of 79200 lb. valued rent of the sd shyre, q̄ch payes the Queens cess and the above sallaries.

Dr. Steinson's sallary continued and stented on those willing to pay.

ALEXR. ABERCROMBIE, I.P.C.

On 5th May 1708, the Commissioners approved of the preceding sederunt in omnibus, with this addition that the cess be paid at the 4 terms at such times as will allow the same to be transmitted to Ed<sup>r</sup>. by the 24th June, 29 Sepr., 25 Decr., 25th March.

## ATTENDANCE OF FREEHOLDERS ON THE LORDS OF JUSTICIARY.

SEDERUNT of the Commiss<sup>rs</sup> of Supply of Banffshire att Banff the 11th day of May 1709 years:—Present Mr. Wm. Joass of Collynewart and John Mark Provost of Banff.

The meeting called to impose annual cess, finding that most of the Commiss<sup>rs</sup> of Supply of this shyre are at pñt as ffreeholders attending the Lords of the Justiciary at Abd., and yrfor could not attend this dayes meeting, adjourned to Thursday the nynteinth current at ffordyce.

SEDERUNT of the Commiss<sup>rs</sup> of Supply of Banffshire holden at ffordyce the 19th day of May 1709 years by the Lord Deskfoord, Collynewart elder, Castlefield and Provost Mark, who choised my Lord Deskfoord preces.

The Commiss<sup>rs</sup> being in the certaine knowledge that s̄ralls of the Commiss<sup>rs</sup> are not yit returned from waiting on the Lords of Justiciary adjourne to Tuesday nixt the 24th current at Banff.

DESKFOORD, Preses I.P.C.

At Michaelmas 1709, the freeholders of Banffshire protested<sup>1</sup> against the burden of attending on the Lords of Justiciary in their circuits, and relief was soon obtained by the act 8 Anne c. 16, which discharged all such attendance.

SEDERUNT of the Commiss<sup>rs</sup> of Supply of Banffshire at Banff the 24th day of May 1709 years, Comiss<sup>rs</sup> pñt The Lord Deskfoord, Troup, Collynewart elder and younger, Cromby, Moncoffer, Carnousie and Castlefield, and Provost Mark. The Commiss<sup>rs</sup> pñt choised Lord Deskffoord preces.

Castlefield produced discharges for payment of cess to 25th December 1708. His bond of cautionary ordered to be delivered up to him when he presented a discharge for cess to 25th March 1709. The Collector and Clerk continued and the cess stented. Dr. Steinson the Post's salary continued and stented on those allennarly who pleases to pay the samen.

ATT Cullen the 6th day of December 1709 years, Sederunt of the Commiss<sup>rs</sup> of Supply of Banffshire holden by The Lord Deskffoord, Birkenbog and Logie and Skieth and Castlefield, who choised The Lord Deskffoord preces.

<sup>1</sup> See p. 127.

The sds Commiss<sup>rs</sup> having gott in ane acco<sup>t</sup> of expenses debursed by Mr. Boyes in giving in ane peti<sup>o</sup>ne to the Barons of Exchequer (by the Commiss<sup>rs</sup> order) craving allowance of the old debenture due on Ballandallochs lands, which acco<sup>t</sup> w<sup>t</sup> the postages debursed by the Clerk anent the sd matter extends to about nynteen pounds Scots stent the same on shyre at six pennies Scots. They ordain that last terms cess be payable with Mrs. Ramsay's cess at Candlemas next.

The Commis<sup>rs</sup> orders yr Clerk to draw up a schem anent the debentur due on Ballandallochs lands, and to give in the same to the Laird of Glassaugh to be by him, w<sup>t</sup> the Earl of Seafields concurrence, represented to the Lord High Treasurer, that the shyre may either gett allowance yrof in yr cess, or that a pairty of forces may be ordered to quarter locally on the sd deficient lands untill pay<sup>t</sup> of the sd debentur; and in case a pairty doe quarter yrfor ordaines the above nynteen pounds Scots to be quartered for till the shyre also be repayed yrof. And the preces hes sub<sup>d</sup> this sederunt.

DESKFOORD, Pres. I.P.C.

#### THE GORDONS OF ARDMEALLIE.

On 11th May 1710, Ardmellie yor and Dykeside did first qualifie ymselves as Commis<sup>rs</sup> of Supply by takeing and subscriyving the oaths of alledgiance and assurance to hir Matie.

Ardmellie younger was Peter or Patrick, eldest son of James Gordon of Ardmeallie. James Gordon was third son of George Gordon, IVth laird of Coclarchie, and brother of Alexander Gordon, Lord Auchintoul. Patrick was therefore first cousin to Major-General Gordon of Auchintoul. On 25th July 1672, saising was given to James Gordon, brother germaine to Alexr. Gordone off Auchintoull and Issobell Meldrum, his spous, in conjunct fie and lyverent off all and haill the toune and lands of Ardmeallie, with the teynd sheaves yroff and uthers.

The former proprietors of Ardmellie, as seen from the following sasines, were John Gordon and his son James Gordon. 12th November 1667.—Saising James Gordone, eldest lawfull sone to Johne Gordone of Ardmeallie, off all and haill the just and equall halff of the suniesyde and toune and lands of Ardmeallie and others vith the pertinents. 5th (or) 25th May 1671.—Saising given to James Gordon younger of Ardmellie and Lille Harvie his spous off all and haill the sunnesyde halff of the toune and lands off Ardmellie, and to the sd James Gordone the just and equall halff of the shaddow lands of Ardmellie possest be Johne Gordone.

Dykesyde was William Dunbar, eldest son of Nicolas Dunbar of Castlefield.

On 25th May 1710, the land tax for 1710, including Collector's, Clerk's and Post's salaries was proportioned at £3 1s. 10d. Scots imposed and made payable on the first days of June, September and December 1710, and the first day of March 1711.

On 11th May 1711, the current cess was stented as in 1710. In regard to Ballindallochs debentur the Commis<sup>rs</sup> appoynt a letter to be wrin to Mrs. Ann Grant, sister to the Laird of Grant and his factrix and ane other to Collonel Wm. Grant, one of Grants Trustees desyreing they may cause take course to the sd debentur to prevent further trouble, q̄ch lērs the Commis<sup>rs</sup> recomended to Arindillie's care.

#### THE GRANTS OF ARNDILLY.

William Grant of Ardalie,<sup>1</sup> third son of Duncan Grant, second laird of Balintomb, sat in the inquest for the retour of Robert Grant of Dalvey on 26th July 1661. He married Jeane Grant, one of the five daughters of John Grant of Galdwall, now part of Arndilly. On 27th December 1658, these daughters, Margret, Isobell, Marjorie, Agnes and Jeane, took sasine each of the fyft pairt lands of Easter Galdwall. In 1665 the executors of the Laird of Grant were owing to Patrick Grant,<sup>2</sup> son of John Grant of Galdvall, two sums of money. William Grant had, before 1672, acquired Arndilly, and was founder of that family, having four sons and three daughters. Shaw, in his "Moray," calls this laird John of Arntullie, and makes him second son of Archibald, first of Bellintomb.

William's eldest son Walter married Margaret, third daughter of William Leslie of Milton of Balvenie, and on 8th January 1672 saising was given to Margaret Lesly, spous to Walter Grant younger off Airdentillie, off all and haill the eight oxgaite lands of the Mylnetoune off Balvenie with the Walkmilne yrof. On 14 ffeby 1682, two sasines were given to Walter Grant one of the portioners of Galdvall and Margaret Leslye his spouse of and upon all and haill that part and portione of the lands of Easter Galdwall. On 22nd May 1684, sasine was given to Walter Grant of Ardendillie of and upon all and haill the tounes and landes of Ardendillie. On 7th June 1690, Walter Grant of Erdendillie was appointed a Commissioner of Supply for Banffshire. On 30th December 1693, Walter Grant took saising of the just and equall fyft part of the lands of Easter Galwall,

<sup>1</sup> Fraser's "Chiefs of Grant," Vol. I., p. 514.

<sup>2</sup> Ibidem, Vol. III., p. 350.



Tomnabreck and Belnacoull. The same day saising was taken by him and Margaret Lesly, his spous, in lyfrent of two fyft pairts of the lands of Easter Galdwall.

On 6th October 1702, he was present at Banff at the election of James Ogilvie yr of Boyne and Alexander Duff of Bracco as Commissioners of the shire to Parliament. He was entered next year in the suite roll of the county for the lands of Airndille and Miln of Papine. On 5th August 1704, he was again appointed a Commissioner of Supply for Banffshire. With his cousin Sir Francis Grant of Cullen, he acted in 1712 in the tutory of Alexander Grant of Bellintome. He was succeeded by his eldest son, Thomas Grant of Achoynanie, Keith.

4th March 1712.—Sir James Abercromby of Birkenbog and Wm. Duff of Bracco intimated to the Commissioners that they had obtained a decree of relief against several of the Commissioners of the shire in the action Wm. Dunbar against them, and that Dunbar had appealed from the Lords of Session to the Brittish Parliat. The sds Birkenbog and Bracco protested that the Commiss<sup>rs</sup> and òyrs concerned may be lyable to defend ym, etc.

13th May 1712. — The cess imposed. Castlefield reappointed Collector at a salary of 700 merks, and Patrick Leslie Clerk at 300 merks. The Post continued.

#### WINDOW MONEY.

The sd day Castlefield represented to such of the Commiss<sup>rs</sup> pñt as are Justices of the Peace that at yr desyre, he having undertaken to collect the window mony of this shyre due in anno 1711, he hes got a pairt, and yr is yit a remainder owing by the shyre, and now the sd Castelfield declined to collect further in respect he had not above 7s. ster yeirly of sallarie allowed him by the act of Parliat; and yrfor dimitted the sd collectione . . . and Patrick Leslie clerk to the sd window mony likewayes gave over the sd office: The Justices accept the sd dimissiones . . . and considering that James Ogilvy and David Stewart coll<sup>rs</sup> of the excyse of Banffshyre have a salary for surveying the windows of this shyre . . . nominate ÿm collectors of the sd window mony . . .

The act 8 Anne c. IV. granting new duties upon houses having twenty windows or more for the year 1710 was made perpetual by 3 Geo. I. C. 8 and 5 Geo. I. C. 19. These acts were repealed by 20 Geo. II. C. 3.

## ABUSES IN THE MANUFACTURE OF LINEN CLOTH.

ATT ffordyce the seventeenth day of September 1712 years:  
 Sederunt of the Justices of Peace and Commiss<sup>rs</sup> of Supply of  
 Banffshire—The Earle of findlatter, My Lord Deskfoord, My  
 Lord fforland, The Lairds of Carnousie, Bracco, Birkenbog,  
 Durne, Skieth, Boig, Collynevar and Castlefield, who choised  
 the Earle of findlatter preces.

The sd day the Justices of Peace pñt taking to yr considera<sup>o</sup>ne the  
 act of Parliāt made last sessione to prevent abuses in makeing linnen  
 cloath, etc., and having caused read the same they recomend to the nixt  
 quarterly sessione of the Justices to cause putt the sd act to vigorous  
 execu<sup>o</sup>ne w<sup>in</sup> the sd shyre, and in order yrto and yt all persones may be  
 certified of the sd act, that yr be copies of the sd act sent to the Justices  
 of each district of the sd shyre, and . . . that some gentleman  
 in each parish keep the same as a standart for the parish, whom the  
 Justices are to nominat for this end: Recomends also to the sd quarterly  
 meetting to appoint Stamp masters and places for stamping the pieces  
 of linnen w<sup>in</sup> the shyre, as will be most convenient for the inhabitants  
 . . . . Recomends also to the quarterly meetting to authorise the  
 rēxive districts to conveen the weavers and give y<sup>m</sup> necessary direc<sup>o</sup>nes  
 for weaving the sd linnen cloath . . . . FINDLATER, P.

The act 10 Anne c. 21 was passed in 1711 to prevent abuses in  
 making linen cloth. Defects were common in the unequal length and  
 breadth of pieces, in the unequal sorting of yarn and in inferior bleaching.  
 These abuses in manufacture, the preamble narrated, tended to the great  
 debasing and undervaluing of linen cloth both at home and abroad.  
 Overseers or searchers of linen were authorised to prosecute offending  
 weavers; and Magistrates in Burghs and Justices to landward were  
 directed to make stamps and appoint stamp masters, so that properly  
 manufactured linen might be stamped before exported for sale. Manu-  
 facturers were forbidden, under penalties, to use lime or "pidgeons"  
 dung in whitening or bleaching linen.

7th July 1713.—Castlefield and Patrick Leslie continued Collector  
 and Clerk at their former salaries, with this proviso: If it happen that in  
 lieu of the pñt malt tax imposed, the Parliat doe impose any more cess  
 on Scotland payable this year, the Collector and Clerk will serve for this  
 cess gratis. The Post continued as formerly. The cess stented at  
 £3 6s. 4d. Sc.

In answer to a complaint regarding the collection of the window tax, the Justices answer Mr. Plummer, General Receiver, that no suitable encouragement is given to a collector.

#### THE ACCESSION OF KING GEORGE I.

Queen Anne died on 1st August 1714, and the Hanoverian succession opened to an elderly German. His greatest defects, his ignorance of English and his overpowering regard for Hanover, were his salvation in keeping his throne, as he passed more completely into the hands of his English Ministers, and of Argyle in Scotland, in everything that pertained to the internal government of Great Britain. Apart from the Parliamentary settlement of the Crown, which applied equally to the Orange William and the Stuart Queen Anne, the Hanoverian regime and policy was as strongly founded on Royal prerogative as that of the Stuarts; and it is a mistake to assume that at this era, when a small aristocratic junta controlled the Commons, constitutional freedom was otherwise in any way advanced. The open immorality of the new Court, coming after the stricter rule of life of William and Mary and Anne, was a bad reversion to the days of Charles II., without any redeeming grace of wit or beauty. The succession opened amidst much popular and Jacobite opposition.

The following letter from the charter chest of Cullen House, unsigned, and with a request to burn it, which was unheeded, gives some indication of the expectant state of feeling in Moray and Banff. The minute of 13th August records the usual imposition of the yearly cess, but shows signs, as well it might, of local uneasiness in the establishment of an additional post to Aberdeen, and in arming the people against possible outbreaks by the Highlanders.

Elgin 12th August 1714.

SIR,

I received yours. The news of the Queens death was surprising here, but all, both high and laigh, are yet quiet, and by all I can see or learn will be so while ther be ane landing or some commanders or leading men come to the countrey. I have been with severall gentlemen in the countrey off different principalls, but all suspend ther opiniones at the time, and will doe soe whatever they think till they have further advice. I doe not think anie off the Highlanders will brake louse or invest the [low] country while something else happen, because [their] chiftains must answer in the event for ther clanns; and both masters and men payed verie weel for ther outbrakeings and ill neighbourhood in the beginning of the last revolutione. Whatever

occurs worth noticing, if necessar, yow shall have ane accompt immediatlie by ane express, and shall expect the lyke from yow. I give my humble duty to all our good friends, and allwayes remaines,

Sir,

Your humble servant.

Sir,

Burn this letter after reading.

S<sup>EDERUNT</sup> of the Comiss<sup>rs</sup> of Supply of Banffshyre held at Banff the 13th day of August 1714 yeares by My Lord Deskfoord, My Lord fforland, Birkenboig, Durne, Park, Troup elder, Carnousie, Monblairies elder and yor, Meyan, Kinairdy, Easter Elchies, Achoynanie, Kilminnity, Logie, Melrose, Collynevart, Bog, Balnoon, Knockorth, Edingeiths elder and yor and Provest Mark, who all unanimously choised My Lord Deskfoord preces.

The Commiss<sup>rs</sup> p<sup>nt</sup> being mett this day and place by vertue of intima<sup>ones</sup> issued by the Shreff Deput threw the shyre calling them to meett as sd is to choose the Clerk and Coll<sup>r</sup> to the new supply imposed by ane act of the last sessione of Parliat to be raised by a land tax in Great Britan for the service of the yeir 1714, and to stent and proportione the sd new supply, the sds Commiss<sup>rs</sup> having seen and perused the sd act of Parliat, they all unanimously choise Patrick Leslie yr former clerk to be clerk to this new supply. The sd day Castlefield having wr<sup>in</sup> a l<sup>er</sup> to the meetting, q<sup>ch</sup> being read, the Commiss<sup>rs</sup> returnes Castlefield yr thanks for his former good services to the shyre. Thereafter Patrick Leslie, in name of Castlefield, produced and gave in to the meetting a discharge for the cess of Banffshyre due in March 1713, dated 15th Septer 1713, signed by Gavin Plummer deput receater, as also produced ane oyr discharge for the cess of the sd shyre due in September last signed by the sd Gavin Plumer and dated the 6th day of Aprile 1714 yeares, both q<sup>ch</sup> discharges the Commiss<sup>rs</sup> appoynts to be regr<sup>at</sup> and extracts kept by the Clerk for the shires behoof. As also the sd Patrick Leslie produced two l<sup>ers</sup> direct to him by John Philip, Auditor of the revenue at Egr, acknowledging his having 1600 lb. Scots in his hands to be applyed towards the last March cess of the sd shyre, and represented that the remander of

the sd March cess wes due by the shyre, and by some cash in hand q̄ch the former Collr wes willing to give up to any should be now named Collr to the new supply at the sight of a comitie of the Comiss<sup>rs</sup> and upon his recept and oblidge<sup>ment</sup> to apply the same and retire the sd former Coll<sup>rs</sup> bond of cāurie. The Comis<sup>rs</sup> appoynts intimationes to be issued requiring those lyable for bygone cess to pay in the same to the former Coll<sup>r</sup>, and impowers him in case of necessity to call for a pairty from the Gen<sup>ll</sup> Receiver and order them on the sds deficientes when he thinks fitt. A committee was appointed to meet Castlefield in Banff on 1st Septr. to arrange matters with him.

#### MR. ANDREW HAY APPOINTED COLLECTOR.

The Commiss<sup>rs</sup> yrafter having called the votes who should be Coll<sup>r</sup> of the sd new cess, they all unanimously elect and choise Monblairie yor Mr. Andrew Hay to be Collector of the sd new supply. The sds Commiss<sup>rs</sup> continues the p̄nt Coll<sup>rs</sup> and Clerks sallaries as last year, to witt six hundred merks to the Coll<sup>r</sup> and three hundred merks to the Clerk.

The shires Post is continued as formerly at two shillings sterling weekly. As also because of some present emergencies they appoynt another post and runner to goe from this to Abd. weekly and that for half a yeir reckoning from friday nixt, and allowes him two shillings sterling weekly also for the said space being twentie six weeks. . . .

#### MEASURES TO PRESERVE THE PEACE UPON THE P̄NT EMERGENCE.

The said day their being a letter produced direct to the Shreff of this shyre from the Lords of Justiciary the Barons of Excheq<sup>r</sup> and oȳrs, wherein they recomend to all the judges ordinary to take notice of the peace of the country upon the p̄nt emergence, in consequence of q̄ch letter the Commiss<sup>rs</sup> p̄nt as Justices of Peace does appoynt the same to be publictly intimat, that the whole country may be warned in case of any robberies or depredationes from the highlands, or oyrwayes to guard themselves, and that in ordor yrto all heritors may inquire and take care how the people belonging to them are armed, and that they doe take notice they be provided w<sup>t</sup> guns and any oyr weapons for yr owne defence. The Justices appoynts that this be intimat w<sup>t</sup> all dispatch possible, and the preces has sub<sup>d</sup> this sederunt.

DESKFOORD, Preses, I.P.C.

The public intimation was accordingly made, as the following copy of the advertisement from the Cullen House charter room shows.

By order of the Justices of Peace of Bamfshyre these doe intimate to and warn the inhabitants of the sd shyre, that because some inconveniences depredations and incursions may happen upon the occasione of the late Queen's death, and that ye contry and every persone yron concerned may be in some posture of self defence they doe appoynt ye haill heritors forthwith to cause the people belonging to ym be weell provided in gunns and oyer defensive to preserve the publict peace of the shyre, and that all persons may be certified hereof appoynts these pñts to be intimate by the reader from the latron after divine service on the first Sunday after sight herof. Given by order frisd att Bamff the threteenth day of August 1714.

GEO. LESLYE.

#### NICOLAS DUNBAR OF CASTLEFIELD.

Nicholas Dumbar in Castellfield being oft tymes called and not compeirand at the instance of John Menie pror fiscall, for disturbing the peace of the towne in stricking of James Ogillvie as was alleged, was unlawed in ten pounds money for his contumacie. This entry in the Court Books of Cullen in 1677 is an arresting introduction to one who became Sheriff depute of Banffshire, and who is only remembered now as the judge that sentenced James Macpherson to be hanged in Banff for sorning and reiving. The estate of Castlefield, in Rathven parish, now included in the domain surrounding Cullen House, was in 1660 the possession of Nicolas' relative, Mr. George Dunbar, who was that year appointed Commissioner from Cullen to the Parliament meeting in 1661, threttie shillings Scots ilk day for his charges being allowed him. On 28th Apryll 1664, there was recorded a renunciation by Elizabeth Lawtie, spous to Mr. Georg Dunbar of Castellfield and the sd Mr. Georg for his entries of and upon the toune and lands of Ramore and teynd sheavs therof. Later, on 20th July 1664, there was recorded a seasing Mr. Georg Dumbarre of Castelfield and Elizabeth Lawtie, his spous, of the toune and lands of Ramore. Next year, as his tombstone in Cullen Churchyard shows, he died. His widow, who had been provided in 10,000 merks Sc. in liferent, renounced £1000 Sc. of this amount, declaring herself satisfied with 8500 merks, wadset and impignorat on the lands of Castlefield and Ramoir.<sup>1</sup>

<sup>1</sup> Dr. Cramond's "Annals of Cullen," p. 42.

In 1669, Nicolaus Dunbar in Castelfield together with William Gordone of Forscane and John Innes of Edingight were admitted burgesses of Cullen. The retour of James Dunbar of Inchbrook as heir of Mr. George Dunbar of Castlefield, his brother, in the lands of Castlefield in 1676, shows that Nicolas, though residing in Castlefield, was not the son of George Dunbar. He may have been son of this James Dunbar, and nephew of Mr. George. Inchbrook, part of the estate of Westfield, near Elgin, and long a Dunbar possession, points to the Dunbars of Castlefield being connected with those of Westfield.

A close neighbour and friend of the 3rd Earl of Findlater and of his son, Nicolas Dunbar received from Sir James Ogilvie, Sheriff Principal, a commission as Sheriff depute of Banffshire, which was presented on 2nd February 1693. In the Commission he is designed of Castelfield. That he had been married for some time appears from a letter to Sir James Ogilvie from Robert Paterson, Principal of Marischal College, Aberdeen, dated 27th April 1694, asking him since<sup>1</sup> ye wes educat at Marshail Colledge ye will continue a friend to the sam, and now to evidence it, its expected ye will speak to your Shiref deput Castelfield to send his son to Mr. Pecock<sup>2</sup> to be educat. The son was probably William,<sup>3</sup> described eldest son of Nicolas Dunbar of Castlefield, when he was in 1698 admitted a burgess of Cullen. On 11th October 1698, Nicolas Dunbar was appointed Collector of the County Cess. The Sheriff depute was withal a sportsman. Writing to his neighbour, James, 3rd Earl of Findlater, from Castlefield on 28th October 1704, he says: The posts importunitie to be gone made me omitt to give your Lop. ane accompt of ane setting dog that samtyme I had on heir and wes trying him, and since that tyme I called for ane other. Both dogs are young and can doe very weill in moors; but I could not get them so tried in dale ground for partridges. The pryce of either of them was fourtie pundis Scots, but I believe they would have taken fiftie merks. Therfor I would have your Lop. sending Donald Shaw north that he may make a full tryall of them, and choise the best. In 1711 he was one of the members of the Town Council of Cullen. The preceding minute shows that he demitted office as County Collector on 13th August 1714. He died in 1718, and that year the burgh accounts of Cullen were charged with 6s. Scots paid to the officer for charging the inhabitants to Castlefield's burial. He was succeeded by his eldest son William, designed of Dykeside, who took sasine on the lands of Castlefield on 7th November 1718. Dykeside<sup>4</sup> married a daughter of Walter Grant of Arndilly.

<sup>1</sup> Seafield Correspondence (Scot. Hist. Socy.), pp. 141-2.

<sup>2</sup> Regent, Marischal College, Aberdeen.

<sup>3</sup> Dr. Cramond's "Annals of Cullen," p. 59.

<sup>4</sup> Fraser's "Chiefs of Grant," Vol. I., p. 514.

## PATRICK LESLYE OF MELROSS.

Writing from Cullen on 29th August 1714, Lady Deskford relates:— On Friday, Mr. L[orimer] had some proclimations about takeing the oaths to the King. Peter Lesly haveing died sudenly last week of a fitt of the palsie, there was no one to put them in execution, for Castelfeild excused himself, so Mr. L. went to Ld F[orgle]n and they agreed that the Justice of Peace [Clerk] is to do it. Patrick Leslye, the Clerk of Supply, thus died on the Friday before 29th August 1714.

On 10th September 1703, he was, through the influence of the Earl of Seafield, conjoined with his father Burdsbank in the office of Sheriff Clerk of Banffshire. He was appointed Joint Clerk to the Commissioners of Supply on 12th September 1704. Seemingly he was not married at this period, for on 26th March 1704, the kirk session records of Banff shew that he appeared in a humble and submissive manner, confessing his sin with Jean Sim, servant to his father Burdsbank, and, giving evidence of his repentance in public at both appearances, was absolved. Notwithstanding his appearance on the public stool of repentance, Patrick Leslye in 1705 figured before the Town Council of Banff as a critic of the Burgh Schoolmaster and moral censor, in his objections to the appointment of Patrick Morrison, late doctor<sup>1</sup> in the school of Banff as Burgh Schoolmaster, because he is not a graduat, and so is not in ane capacity to say evening and morneing prayer, and read in the church the samen, being ane part of the Schoolmasteris dewitye. He could keep no order in the school, was not qualified to teach Latin and Greek, and was a habitual drunkard and cairder, and specillie it is offered to be proven that he went in with ane caball of his owne to the house of Ballyie Wallace one night at sevin accloack at night, and drank and played at cairds all that night untill sevin acloack nixt morning. Naturally the "Ballyie's" colleagues refused to allow the protest to be inserted in the principal Register as the same is scandalous and ought not to be inserted until proven. They accordingly appointed Mr. Morrison schoolmaster.

For the county supply, Patrick Leslye was, on 5th October 1705, appointed sole clerk at a salary of 200 merks, and the Commissioners ordained Jon Donaldsone to deliver up to their pnt clerk the whole books, records, sederunts and papers belonging to the shire in his hands as former clerk, which was accordingly done on the 31st of January 1706. He held the appointment of clerk to the Justices of Peace of the county. He married, about this time, Margaret, daughter of Ramsay of Melrose, in Gamrie, and the register of births in Banff

<sup>1</sup> Teacher.



shews that he had a daughter Mary and a son William baptised respectively in 1707, 1709.<sup>1</sup> He had also a daughter Bathia, who married Dr. James Saunders, Banff, and a son George. He was succeeded by his son William.

#### APPOINTMENT OF THOMAS DUFF AS CLERK OF SUPPLY.

SEDERUNT of the Committee of the Commissioners of Supply of Banffshire appointed to hold this day by the last generall meeting, as also of severall oysrs of the Commissioners of the said shire conveened upon this first day of September Imvi<sup>e</sup> and fourteen years viz., My Lord Forglen, Provost Mark, Collenwart, Easter Elchies, Kinnardie, Tullich, Troup, Rothemay, Achoynanie, Montblery younger, Bog, Meyan and Kilminitie, who unanimously chose my Lord Forglen to be their preses.

The said Commissioners in the first place unanimously made choice of Thomas Duff, lawfull son of Robert Duff in Hillockhead, in place of Patrick Lesly of Melross deceased, to be Clerk to the Commissioners of Supply, and appoint the former sallary of three hundred merks. He takes the oath de fideli administratione and agrees, if he is appointed J.P. Clerk, to serve on the same terms as Patrick Leslie.

The Commissioners, upon considera<sup>o</sup>n that Castlefield is very tender, and Mr. Lesly his ffactor deceased, they recommend to Montblery yor to do diligence for inbringin a deficiency extending to four hundred and nyntie pundis thirteen shs. and four ds. Scots.

The Co<sup>m</sup>is<sup>rs</sup> are informed by Burdsbank yt the Valuation Rolls of the shyre are amongst Patrick Leslys papers—the same are ordered to be given up to Mr. Hay. Burdsbank delivered up to Thomas Duff, clerk, the present Sederunt book of the Commissioners of Supply, as also another book of Sederunt<sup>2</sup> of the Justices of Peace and Co<sup>m</sup>is<sup>rs</sup> of Supply of the sd shire, begun in August 1708 and ending in August last.

The Commissioners p<sup>n</sup>t recommend to my Lord fforflan to write to my Lord Findlater y<sup>t</sup> his Lordship would be pleased to take under his considera<sup>o</sup>n the present need the Justices of Peace in this shire have of a Clerk, and to procure a commission yrefor to any is most acceptable to his Lop; and if he be satisfyed w<sup>t</sup> Mr. Duff, the Commiss<sup>rs</sup> p<sup>n</sup>t

<sup>1</sup> Dr. Cramond's "Annals of Banff," Vol. II., p. 288.    <sup>2</sup> This book is not now extant.

recommend him to his Lops care and goodnes; and also to acquaint his Lop that this day the Justices of the Peace @men<sup>d</sup> did meet and would have qualified y<sup>m</sup>selves and given orders to oysr, but the want of a Clerk impeded them.

ALEXR. OGILVIE, P.

John Philp, writing to his cousin William Lorimer, chamberlane to the Earle of findlater at Cullen, from Edinburgh on 8th September 1714, says: I received a letter from Bracco recommending a friend of his of the name of Duff to be Clerk to the Comm<sup>rs</sup> of Supply. I think it very proper for my Lords interest to prefer him. Thomas Duff had been appointed seven days before. He was chamberlain<sup>1</sup> to Bracco, and was the eldest son of Robert, in Hillockhead, Botriphnie, who was fourth son of George Duff of Edendiach, fourth son of Adam Duff of Clunybeg.

The Commissioners on 9th December 1714, record an obligation by Archibald Ogilvie of Rothiemay to relieve John Abernethie of Meyan of all cess and public burdens on the two oxgate land of Corskellie, the proportion of valued rent effeiring to Corskellie being £23 6s. 8d. Sc.

SEDERUNT of the Commissioners of Supply of Banffshire held at Banff the twenty eighth day of July, Imvij<sup>c</sup> and fifteen by the Lairds of Kinairdie, Bog, and Provost Mark, who being all qualified according to law choosed Kinnardie to be preses of this meeting.

The meeting called by the Sheriff depute (Provost Mark) to impose the land tax granting ane aid to his Majestie, appointed the former Clerk Thomas Duff, who presented a letter from Mr. Andrew Hay, Collector for Edinburgh, excuseing yt he cannot get this meeting kept, on which the Commissioners present excuse his absence. He is again appointed Collector. The cess, including salaries, stented at £3 6s. 4d. Sc. on each £100 Sc. valued rent termly on 29th Sept. 1715, and 25th March 1716. Committee appointed to meet with the Collector on 16th August and settle matters with him.

This Committee met accordingly on 16th August, but as Montblairy was not yet north, adjourned to 1st September. On 1st Sept<sup>r</sup> the Committee present, viz., Bog, Collenwart, and Provost Mark, understanding that Monblery yor is necesrly with drawn at Edinburgh and

<sup>1</sup> "The Book of the Duffs," pp. 431-2.

cannot be north for eight or ten dayes at least, they adjourn this meeting to the 16th day of September current, and ordain Montblery their Collector to meet with any three of their number the sd day.

On 6th September 1715, the Jacobite standard was raised at Braemar.

On 16th September 1715, Mr. Andrew Hay, yor of Montblery, Collector, attended the Committee and gave up an accounting, and lodged a bond of caution for the cess of September 1714 and March 1716, signed by Alexander Reid yor. of Barra. All deficients were ordered to be quartered on.

Meantime the Earl of Findlater had been in Edinburgh, and the following letters from the Cullen House charter chest throw interesting light on the course of events, including the arrest and early liberation of his son Lord Deskford. Findlater, who had anxiously desired employment under the Hanoverian government, but was disappointed, carefully abstained from any participation in the rising, but noted with regret his own waning influence beside the rise of young Grant of Grant, who soon became Lord Lieutenant of the county, and for some time wielded the greatest influence in its affairs.

From the Earl of Findlater.

Edinburgh, Aug. 9th 1715.

WILLIAM,

. . . . .

You see my resolutions are to live peaceably and to give no offense to my nighbours or any others whatsoever; and whatever be the event of this great affair, I will follow out my principle in doing prejudice to no person. Therfor you must take care that all my tennents and dependers live innocently and peaceably. I know my nighbours will be friendly to me, but if they should not, I cannot help it. I think against stragglers wee should keep a gaurd both for the house and land, in case the H—ders begin to brake. I know not what will be the future event, but the two last posts brought us nothing considerable, and ther are several letters from London that bears they think ther will be no invasion at this time. I saw a computation of K— G— his forces. It is writte that he will have twentie regiments of dragoons besydes the Gaurds and some regiments of horse. The new levys are almost compleat except it be Grants regiment, and they are now recruiting the old cores to the number of

ffifty each company. We are to have three regiments from fflanders, and three more comes from Ir—nd. Wee have two regiments of foot, two of dragoons, and one of the regiments from Ir—nd is already landed. A regiment of horse from Ir—nd is also already landed in England. The Dutch have their six thousand men which they are obliedged by the Treaty of Guarantee ready, as also the transports for them. They have also marched down to the shoar the five Eng—sh battalions in their service, so that if the invasion goes on, all these will come immediatly. The F—ch Ref—ees at London offer likewayes to raise ten thousand men for K: G: , and they are in several places in E—nd preparing to make the Militia as useful as they can; and in the southern and western countyes of Sco—d they are arming and mustering for K: G: This is all is said on this side. On the other hand it is said that, if the P—er does come, he will bring great force from abroad, especially of the disbanded E—sh, Sc—ts and Irish that were in the K. of ff—ce his service; that the D—ke of Or—nd is gone over who is very popular, and that ther is a very powerfull discontented party; so what will be the event God only knowes. Only one thing is certain, that, if ther is an invasion, ther is like to be great bloodshed and a severe civil war. If I hade my affairs over and ther be no appearance of immediat trouble, I will come home very soon; if not you shal be acquainted what resolution I take.

I perceive that it is reported in the north that I came south upon the reports were then of an invasion. You may let every body that speaks to you of this know the contrary. I hade bussiness with E. of Kinnoul, and the setling of my sones signature and the doing of my private affairs here made my coming here necessary. Take all possible care of what concerns me, and it will be very proper that you be not out of the countrey that you may speak discreetly; and likewayes take notice of whatever happens, and if I do receive damage I will be glade to know from whom.

If ther be any inserrection or invasion be sure to run an express to Aberdein with the accounts of it, and write to the Postmaster to transmitt it to me with all diligence.

From the Earl of Findlater.

Edenbrugh, Aug: 10 1715.

I wrote to you a full letter qch will come to your hand by Bruice the footman, and therfor I neid to add very litle now, only the reports this day increasce again of the preparations for the invasion, particularly at Haver de grace; and Sir Geo: Bing is sailed with the fleet to cruise. But these preparations on this syde are chiefly in E—nd, and they resolve to keep their forces together till they see where the invasion happens. It is said the D—ke of Athole gives frequent assurances to K: G.; and the D—ke of Ar—le has also some officers mustering his men, and in this countrey circular letters and associations are going on for K: G.:. ffor my own part I live peaceably, and it is my command that my people do so, excepting that ther ought to be some gaurd against loose H—ders. The servants ought all to ly in the house, particularly Ja: Lorimer, and they should have some arms in readiness, if it were to procure but a capitulation. Ja: Wilkie will be a fitt man to go in to my house in case of apparent danger, and the door to the garden and back gate from the closs should be barocaded with stones, and good houres kept for shutting up the gate every night. You may give my service to Sir Ja: Abercromby and Sir James Dunbar. If they take any rash course I expect their friendship, or else they neid think of none from me or my family. Auchintoul has frequently said that he would be very friendly. I know Coxston will. You know the friendship I hade from his ffather. Letterfury, Bogs and Tanachy will also be friendly, and if any of the ffindochtys should stir they will do what they can; and I really think all my nighbours will be civil, and the family of B—nde can never expect a six pence from me if they do my land any injury.

Youll take care that the inclosed be sent to the Provost<sup>1</sup> of Bamfe.

#### ARREST OF LORD DESKFORD.

Findlater's anticipations were correct. The Marquis of Huntly, Sir James Dunbar of Durn, Sir James Abercromby of Birkenbog, Major General Alexander Gordon of Auchintoul, Innes of Coxton, James Gordon of Letterfurie, Steuart of Tannachy, George Gordon of Buckie, John Gordon of Glenbucket, James Ogilvie yr of Boyne, George Gordon of Carnousie, Charles Hay of Rannas, Alexander Gordon

<sup>1</sup> John Mark, Sheriff depute.

of Glengerrock, John Gordon of Auchyndachy and many others were all "out." Soon the Earl of Findlater was to receive a stroke in the arrest of his son, Lord Deskford, on trivial grounds; while his own interest with the Hanoverian government sank so low, that he was superseded in Banffshire by young Grant of Grant.

To Mr. William Lorimer, Factor to the Earl of Findlater, at  
Cullen. By Aberdeen by Bamfe.

Edinburgh, Aug: 24th 1715.

WILLIAM,

I caused J: L: acquaint you that I hade thoughts of coming north, but now ther are accounts that the preparations for the invasion are going on, and it is thought that it will come on speedily. Yesterday when I was at dinner, and my sone with me, General Wightman came to my house and asked likewayes to see my sone, having heard he was at dinner with me. He told that he was sorry to tell us that he had orders to make my sone Deskfoord prisoner, and secure him in the Castle. The order is signed by my Lord Townsend, the Secretary, upon suspition of disloyall practises. Accordingly my sone was carryed and committed prisoner to the Castle. He bears his misfortune with a great dale of patience. I think it proper that it be known, our nighbours will [know] what circumstances wee are in as well as themselves. I dare not offer to remove from this, least it should be my own fate, which has bein talked of for some days, but not to myself by any in authority. Take care to have some competent gaurd ready for my house; and I think my own cattle should be driven of some way in case of an immediat danger, but not otherways. The E: of Mar is in the Highlands; I know not what part he may act. Do your best, and I must trust to God and Providence. The Laird of Grant is made Lord Livetennant of Bamfeshyre; his commission is passing the sealls, which may be a further evidence to you in what condition I am in.

On 19th August, Brigadier-General Alexander Grant of Grant received a commission as Lord Lieutenant of the Counties of Banff<sup>1</sup> and Inverness. On 25th August, he received instructions as to the appointment of Deputy Lieutenants, who were to be well affected towards the Government and Protestant, and also as to the calling out

<sup>1</sup> "The Chiefs of Grant," Vol. I., p. 356.

of such fencible men as were similarly well effected, and could be conveniently assembled. The Deputy Lieutenants appointed for Banffshire included Alexander Garden of Troup, elder and younger, Captain Alexander Abercromby of Glassaugh, M.P. for the county, and Thomas Grant of Achoynanie.

Next letter and declaration, both in Lord Deskford's handwriting, give an account of the flimsy cause of his arrest. To deliver to his father-in-law, Lord Kinnoul, in February 1715, a letter in French from Kinnoul's sister in France on family affairs, was enough to lay him by the heels, so that the Hanoverian Elector, King George, not yet warm on his new throne, worked by his German adviser, Bothmer, might exercise the kingly prerogative of clemency, and by gratitude, after a course of fear, bind Findlater more effectively to his cause.

To Wm. Lorimer, Chamberlan to the Earl of Findlater, at  
Dytach, near Banf.

Edr. Castle, August 28th 1715.

SIR,

I believe you will be pretty much surpris'd to hear that I am prisoner here, but you need not be in any manner of concern, for I think I can safely assure that neither my father nor I nor the family can possibly suffer any thing by my being here, seeing I can defy the utmost malice in that matter. You may possibly make some advantage of it in your country and circumstances. It seems the proverb is true that Rogues may be among the Whigs. . . . My affectionate service to all our friends and neighbours. It is the tennents interest and mine both, that they they shou'd not be much in arrear at this time. My father is extraordinary kind to me on this occasion.

In hast. Adieu.

Edr. Castle, 1st Sept. (1715).

James L<sup>d</sup>. Deskfoord you are desired to give an ingenuous and distinct answer to the following question.

From whom was the letter deliver'd to the Earl of Kinoul, what were the contents of it, and how came it into your hands.

I, James L: D: doe most sincerely declare that I never deliver'd any letter to L: K: save what was to the best of my memory entirely about privat busines, and that these letters were from the E. of F. my

father, save one from a sister of the late Earl of Kinoul, who, as I believe, is now in France. This letter was sent to me, in the middle of January last, the morning that I came from London, while I was in a hurry preparing for my journey, by Mr. James Gray, Resident for the Scotch Episcopal Clergy. I deliver'd to L: K: on the 3d. of February at Dupplin. It being in Frence, he caus'd his son Coll: Hay read it and explain it to him. I heard it read, and the only intent and subject of it was concerning a claim that lady had on her brother, which this L<sup>d</sup>. Kinoul said he was not at all oblig'd to pay. I doe most sincerely declare I doe not at all know, nor can I guess how this letter came from France, and that I had never been at the pains to consider whether it had come by the post or not till yesternight. I read all the letters I ever deliver'd from my father to E: K:, and they were solely about privat affairs.

#### LIBÉRATION OF LORD DESKFORD.

à Londres ce 3<sup>me</sup> Sept. 1715.

MY LORD,

J'ay appris avec un extreme regret, par l'honneur de vostre lettre du 25<sup>me</sup> du mois passé, the malheur que Myl. Deskford, vostre fils, a eu d'estre arreté; j'ay esté en meme tems penestré de reconnaissance de la confiance dont vous m'avez honoré en cette occasion, pour y repondre selon mon devoirs. Je me suis appliqué avec plaisir pour appuier vos desirs touchant la delivrance de M<sup>r</sup> vostre fils, et je suis ravis que les ordres ont esté donné pour cela. Le Roy a une entiere confiance en vostre zele pour son service, et ne doute pas que Mr. vostre fils en ay les memes sentiments pour luy. Il m'a fait l'honneur de m'ecrire par le même post; le tems ne me permet pas de luy repondre dont je vous prie de luy faire mes excuses, et d'estre persuadé tous deux, qu'on ne [peut] estre avec un attachement plus parfait que je suis.

My Lord,

Vostre tres humble et tres obeissant servitr,

BOTHMER.



For Mr. William Lorimer, Chamberlane to the Right Hon<sup>ble</sup>  
the Earle of findlater at Cullen, Banffshyre.

Ed<sup>r</sup> Sept<sup>r</sup> 3<sup>d</sup> 1715.

D. C.<sup>1</sup>

I have not troubled you this good while by past, knowing that John Lorimer writes you the occurances here from time to time, which have been very surprysing, but I hope now all our fears are over. The ffrench Kings death will make a great alteration, for the Regent of ffrance is entirely in K. George interest. I hope in few dayes my Lord Deskford will be sett at liberty. Wee hear the E. of Marr is at Braemarr, and it's very confidently said that he is conveening the Highlanders to disturbance; but I hope his projects will be disappointed, and I cannot beleieve he will be so foolish.

Written on the same paper the letter, four days later, continues:—

Sept<sup>r</sup> 7<sup>th</sup> 1715.

My Lord Deskford is now sett at liberty upon bail for his good behaviour and appearance when called. My Lord fforgline and I are his bail upon a penalty of 500 li<sup>st</sup> ster. Wee need not bee under great apprehensions of forfeiting it.

I beleieve Deskford will scarcely come north this winter. My reason for thinking so is that just now he appears very ffond of takeing a countrey house, and if he be once engaged in some convenient place it's not improbable but he may stay here all the winter. My Lord findlater thinks of takeing journey to Cullen next week, if no interveening news hinder him; but till you get certain advyce needs not be preparing any thing for him. I wish you a good harvest, for here wee have it very seasonable at present, and the people are very bussy takeing in there corns. There has not been a better cropt here these many years past. If you gett so much spare time before my Lord comes north, it's yo<sup>r</sup> interest to have yo<sup>r</sup> two years acco<sup>ts</sup> ready, and make a list of the outstanding arrears. I offer my humble duty to my mother and all friends.

I am, D. C.,

Yors Jo. P——<sup>2</sup>

<sup>1</sup> Dear Cousin.

<sup>2</sup> John Philp, formerly Findlater's private secretary, and now Deputy Auditor of Exchequer.

From William Lorimer, Cullen.

For the Right Honourable My Lord Deskfoord at Edgr.

MY LORD,

Your Lops imprisonment was ground of admiration and surprise to all in this country. Your friends and servants have no fear of the consequences, knowing your inocencie; but some people take it in another sense, and say you have been well moyened to gett in yr. I fear it will not have the effect you write off in this country in case the occasion happen. God preserv and support you under this missfortune. All things here are in the former manner. Wee enjoye peace but fear warr. Wee have a good harvest and a most plentiful crop. Business is dull, and money is scarce. Sickness continues, and many people are dead since you left the country. . . . I have writt more fully to a friend about business here. God bless you with health. Hope well. There will be no fear.

Sepr 5/1715.

From Lord Deskford.

To Mr. William Lorimer, Chamberlan to the Earl of Findlater  
at Cullen, Abd.

Edr Sep<sup>r</sup> 7th 1715.

SIR,

On Thursday last I was let out of the Castle on bail. L<sup>d</sup> Forglen and J. P. were my cautioners. The summ was 500 pounds sterling. Mr. Lockart was let out the same day. His summ was only 6000 merks Scotch. It appears they had nothing to say against me save a very innocent letter which I happen'd to carry. This I tell for your satisfaction. Let your country people think what they pleas.

People generally believe ther will be no trouble this year, tho some appear still of another mind, as I imagine on litle ground, save that the present publick proceedings may perhaps render some desperate. I hope by this time all my infetments are over, and the seasins registrate. I heartily wish that none of our neighbours or friends may doe any foolish or rash things, for I believe the W. are pretty severe in their inclinations. I am uncertain when I shal be north on many accounts. I have some thoughts of staying at least a month or two at a litle house at Inverask. Let me hear what is done in my busines,

and the news of the country, when you find a good occasion to send 'em. My brother is well at Dalkeith. My sister recovers excellently since she was brought to bed of a daughter. Let G. M. send what money rent he has got. I long to be with you in peace and tranquillity. Adieu.

Letter from J. Stanhope, Secretary of State.

Whitehall Sept<sup>r</sup> 8th 1715.

MY LORD,

I am honoured with your Lops. of the first inst., and with one from your son, my Lord Deskford, of the same date, which I shall take the first opportunity to lay before his Ma<sup>ty</sup>, that so he may be fully acquainted with the sense you both have of the favour he has ordered to be shoven to my Lord Deskford; and I am confident his Ma<sup>ty</sup> is already entirely satisfied of his Lops. innocency, whose character is such as will easily engage all here to a belief of the sincerity of the declaration which he has made, and which my Lord Justice Clerk has transmitted. As I think it needles to trouble my Lord Deskford, having nothing to write but what is in this, I shall beg the favour of your Lop. to make my complements to him, and to beleive that I shall verry gladly embrace any occasion of doing either your Lop. or him justice or service, as I am with great truth,

My Lord,

Y<sup>r</sup> L<sup>pps</sup> most humble and most obedient servant,

E. ffindlater.

JAMES STANHOPE.

For William Lorimer.

Ed<sup>r</sup> Sept<sup>r</sup> 9th 1715.

SIR,

My imprisonment was indeed extremly surprizing, and I was like to have kept health very ill if I had staid long in the Castle, so that my liberation came very seasonably. I was severall times examin'd before I was set at liberty. J. L. can tell you on what subject, and what my answers were. I am very sure they had nothing to say against me; and my confinement, as I imagine, was occasion'd by some malice at L. K.<sup>1</sup> and my father. I am on bail for good behaviour, and to appear if call'd before the L<sup>ds</sup> of Justiciary.

<sup>1</sup> Lord Kinnoul.

It was generally thought that the K. of France's death had put an end to all thoughts of an invasion, but now it appears both parties are of another mind. I pray God Almighty preserve our country, for civil war and confusion are very terrible; and I was always one that lov'd and wish'd for peace, the greatest blessing any country can have. I wish all our people may keep as inoffensive as the safety of the country can allow, and give as little offence to your neighbours as possible, tho none can take it amiss that you do what is in your power for the defence of your houses and goods. My father has written so fully on this subject that it is needless for me to enlarge, only that I put all my people under your authority as much as he does his, trusting that you will take the most prudent methods that are possible in obedience to his commands. I wish all our neighbours as well as dependers may preserve themselves from rash courses, for the present Ministry is like to be extraordinary severe on the opposers of the Government. . . .

Your affectionate and assured friend,

DESKFORD.

#### RENDEZVOUS OF THE MEN OF THE FOREST OF BOYNE.

The clans were gathering at Gordon Castle. On 11th September the Town Council of Cullen paid 12s. Sc. to an express in the night time to Fochabers to know if the Clan Chattan were there. On 14th September 8s. Sc. were given to another express to Fochabers to learn when the Earl of Huntly was to march.

That stormy petrel of early Jacobite risings, James Ogilvie of Boyne, was to the fore ordering a rendezvous of the men of the Forest of Boyne, a property holden by the Earl of Findlater of the Marquis of Huntly as superior.

For William Lorimer, Chamberland to the Earle of Findlator.

SIR,

I wrote to you this day, but mist you, so I leave this to let you know that I have orders from the Marquise of Huntly to rendezvous all the men of the Forrest of Boyn, and chuse such as are fitt to goe to serve the King. Therefore I desire you may intimat tomorrow to all the men, gentlemen and others, that belonge to the Earle of Findlator in the forrest lands, to attend me at Neu Milnes of Boyn on Munday next by twelve acloak with ther best cloaths and arms and horses, there to be randevoused by me conform to order, where I expect you will be present, that I may doe by yr advice what is most convenient for the Earle of Findlators intrest, so far as consists with my orders. This I

expect you will be punctuall in, or the people most be at their perrol, as my order leads me. I am Your humble servant,

Boyn Sep. 24 1715.

JAMES OGILVIE.

CONDITION OF THE COUNTY IN SEPTEMBER, 1715.

On 26th September the Town Council of Banff find that the country seems to be in ane loose condition, and that desolute and stragling people may be running through the countrie and may at unavarse assault the town, and do prejudice to the burgh and inhabitants thereof in the night time, therefore do ordain and appoint ane nightly guard to consist of twenty fencible men sufficiently accutered with ane gun and amunition conforme, and ane sword, to defend the Burgh per vices once in the week, and appoints Captains James Wood and seven others to whom is allowed 20 men besyde the captaine to keep strick order and true guarding, as they will be answerable. But it is not in these minutes or those of the County that the fullest account of the state of the country is found; for these minutes were drawn with brevity and caution.

The strength of the Hanoverian position was very much in the Presbyterian ministers of the county. Since 1689 most of the old Episcopalian clergymen had been deprived or had died out, and had been largely replaced by Whig Covenanters from the south, who held strongly to the doctrine of a Protestant succession to the Crown. In the Kirk Session and Presbytery records may be found more picturesque and biassed detail of the Jacobite initial success and final failure. At the same time the County and Burgh records could not remain silent, when written requisitions for men and money, backed by force, were made by the triumphing Jacobites. At Keith, where the church collection on 25th September was only 7s. Sc., Mr. John Skinner, the Whig minister, with unctuous Hanoverian bias recounts: At this time the country was in great disorder by a most unnatural rebellion, begun by the Earl of Mar, and carried one by him and the rest of the Popish and Jacobit noblemen and gentlemen, in order as they thought to dethron King George, and set the Pretender, whom they call K. James, upon the British throne. October 2nd. Collection only 6s. 8d. At this time the country was all in a consternation. No safety was to goe out or in; for this day the Earl of Huntly began his march to the rebels army with his cavalcade of horse. The foot being to march to Merins. This day, immediately after sermon, the writer, Mr. John Skinner, was seized by a party of Auchynachie's men, as was pretended by the Earl of Huntly's order, and very harshly dealt with, and the school much broke.

On 12th November, the day before the Shirramuir, when we ran and they ran and a' ran awa', the Magistratis and Counsell of Banff haveing taken to their serious consideration that the country is in disorder, and albeit the town has setled posts weiklie to and from Aberdeen, yet they judge it proper and convenient there be an weekly post setled and appointed to go and returne betwixt Banff and Elgin weekly, to enter to goe Munday next the 14th instant, appoints a post for that effect, and appoints ane letter to be written to John Adam, postmaster at Elgen, to send ane account of the country occurrences and current news of any matters that occurres, and another letter to Lachlan McIntosh, merchant in Elgin, for that samen effect, for which they are to have suitable encouragement, and ordains the clerk to writt the said two letters which the Magistrats are to subscribye. Under date 13th November, though the entry was made later, Mr. John Skinner, Keith, gives the following account of the fight at Sheriffmuir, in which he overstates the odds against King George: This day the rebels having marched from Perth where they had lyen about six weeks were mett by the Duke of Argyle with only 3000 men, whereas the rebels were 15000 strong, upon Sheriffmuir near Dumblain, when about two o'clock afternoon they had a hot engagement and severalls killed on both sides, as we were soon after informed by the numerous runaways.

#### MILITIA OF BANFFSHIRE CALLED OUT BY JACOBITES.

Meantime the Jacobites had been consolidating their hold on the north, including the County of Banff, in which, from September 1715 to February 1716, they held exclusive sway. The following proclamation and subsequent minutes of the Town Council of Banff and of the Commissioners of Supply of the County show that the Militia of the shire was called out, and that the land tax was levied and collected by the Jacobites, a double tax being imposed on those who would not serve.

Letter from John Earle of Mar, etc., Comander in cheife of his Maties forces in Scotland.

Our Soveragne Lord James the eight haveing bein pleased to intrust me with the directione of his affaires and the comand of his forces in Scotland, and it being absolutely necessar to raise money for their support and maintenance: These are therefore in his Maties name requyreing and comanding that all men betwixt sixtie and sixtein of age within the shyre of Banff doe furthwith repaire to the camp at Pearth, or where the armie shall be for the tym, with their best cloathes horses

and airmes and fourtie dayes provisione or loan at six shillings Scots a day, or utherwayes that every heretor fewer or wodsetter now attending the Kings standart, and such heretors as are or may be excused or their factors or doers in their absence and lykewayes all liferenters doe immediatlie proportione and raise money among the tennents and possessors of their respéctive estates and lyfrent lands sex monthes cess, and that such heretors who doe not presentlie nor shall not betuixt and the fyfteinth day of November nixt attend the Kinges standart, if not excused by me, shall immediatly proportione and raise among the tennents and possessors of their respective estates twelue monthes cess, the which several proportiones according to the respective caices forsd is directed to be payed by every heretor fewer wodsetter and lyfrenter to George Gordon of Carnowsie collector appoynted for that end at the Burgh of Banff, on or before the fyfteinth day of Nov<sup>r</sup>, with certificatione that parties will be sent out to quarter upon deficients.

Measures of relief detailed, and directions for publication at the cross of Banff, and in the respective parish kirks within the shire given.

Given at the camp at Pearthe the twantie seavinth day of October one thousand seavin hundreth and fyftein yeires. Sic subscribitur,

MAR.

The above intimation was duly made throughout the county on Sunday 13th November 1715, the day of Sheriffrimuir; and all concerned were warned to pay in their cess "for sex and twalve monthes at the rate of nyne poundes and nyntein shillings Scots money upon each hundreth pound valued rent to Jon Donaldsone, writter in Turreff," factor for the Collector, Gordon of Carnousie, the Jacobite son of an Orange father. After the Shirramuir, Argyle retired to Stirling and Mar to Perth, and stalemate continued for some time, but with Argyle's army increasing and Mar's diminishing.

On 17th December, the Magistrates and Council of Banff having considered an order by the Earl of Mar ordering them to levy from the Burgh six months cess, amounting to £12 stg., though Braco offered to advance the money, meantime borrow from the Kirk Treasurer; and order George Stewart, Collector, to repair with it to Fochabers, and pay it to Col. John Gordon of Glenbucket, as having warrant from the Earl of Mar. But the game was up, and Jacobite incompetence in the supreme direction of affairs had its inevitable result.

The Keith Kirk Session records of December 18 and later continue

the Banffshire story of Jacobite dissolution and defeat:—This day the Earl of Huntly immediately after sermon passed through Keith on his return very disheartened like. Upon Thursday being the 22nd this week, about sixty or more of the Strathdone rebels, headed by Black Joke alias John Forbes, and Sclater Forbes came and lay in town about a week, where they committed unheard of insolencies, robbed the school chamber and carried off many things, as did afterwards about the beginning of the year Glenbuckets men, who were also monsters of wickedness. From the said 18th of December 1715 to the 12th of February 1716 there was no peace to goe out or in, by reason of intestine troubles and the marches and counter marches of the rebels; and likewise Jacobites in the parish with the said thievish garrison put in the scandalous trumpeter of rebellion Mr. James Sibbald<sup>1</sup> into the church. . . . Thus the year ended and the next began with abundance of trouble, robbery, and oppression.

The ostensible reason of Huntly's return north was the capture of Inverness from the Jacobites by Lord Lovat, Culloden, and Captain George Grant of Grant. Huntly and Seaforth maintained that it was their duty to cover their own country, though it is probable that they were convinced that under Mar the rising had no chance of success. Meantime one ray of hope shone out in the Jacobite horizon. The Old Chevalier landed at Peterhead on 22nd December 1715. He proceeded south to Perth, and was crowned at Scone on 23rd January 1716. On Argyle's advance on Perth, the solitary ray of hope was extinguished, for the Jacobites retreated northward on 30th January. At Montrose the Chevalier, Mar and others embarked for France on 4th February, and Major General Alexander Gordon of Auchintoul was left in command of a retreating, dispirited and deserted army.

#### JACOBITE RENDEZVOUS AT GALLOWHILL OF BANFF.

One late flicker of the rising in Banffshire was the ineffectual call by young Boyne on the inhabitants of Banff, to rendezvous at the Gallowhill of Banff on Thursday, 9th February 1716. That day the Jacobites in full retreat from Aberdeen reached Keith from Strathbogie. Thence the clans retreated by Mortlach, Glenrinnies, Glenlivet and Strathdown to Badenoch,<sup>2</sup> where they refreshed themselves three or four days and dispersed.

All noblemen barrons heretors fewers wadsetters tennants burgeses and all others the fencible men within the said town and parish of Bamff to meet and convene att the Gallowhill of Bamff upon Thursday

<sup>1</sup> Episcopalian clergyman.

<sup>2</sup> "The Chiefs of Grant," Vol. II., p. 103.







*Brigadier General Alexander Grant of Grant  
Lord Lieutenant of Banffshire 1715*

next the ninth day of February current, bringing with them their best horses, arms, and accutraments against the hour of eleaven acloack the sd day, and that all noblemen barrons heretors fewers and wadsetters doe make up effectuall lists of all their tennants and fencible men within the said toun and parish of Bamff to be given to us the sd day before the rendewozes, to the effect punctuall obedience may be given to his Majesties commands in the terms of and conforme to our said commission, they shall be proceeded against with the utmost severity. Given at Whythills the fourth day of February 1716, and of his Majesties reign the fifteenth year.

JAMES OGILVIE.

JAMES GORDON.

The Keith chronicler, after stating that on 12th February the kirk collection was only 7s. Sc., ends:—Upon Thursday night the 9th this week the rebell army consisting of about 4000 quartered in this parish, and did a world of mischief by robbing, plundering, etc. They were flying from the brave Duke of Argyle and King George's army. Feby 19 Collection 20s. At this time the King's forces having come up, our Jacobit party became calm, and our meeting house was given up, Mr. Sibbald being loathed.

Argyle reached Aberdeen on 7th February, but personally did not advance further into the Highlands. On 11th February Gordon Castle was occupied by Lieut.-Colonel William Grant of Ballindalloch. Colonel Grant had previously taken over Balvenie Castle from Duff of Bracco,<sup>1</sup> and garrisoned it against the rebels. Meantime Brigadier General Grant was, on 14th February, directed by Argyle at Aberdeen to proceed north to search for rebels, and to disarm all disaffected who had been in the rebellion. He accordingly garrisoned Brahan Castle in Ross, and Erchless Castle and Borlum in Inverness-shire; and the following order for the occupation of Boyne Castle shows that he was also active in Banffshire. On 6th March he was at Strathbogie, and received the surrender of Glenbucket. On 16th March he was in Banff, and received the surrender of Sir James Abercromby of Birkenbog, George Gordon of Buckie, and others.<sup>2</sup>

By the Honorable Alexander Grant of Grant Briggadeer Generall of his Majesties forces and Lord Leivetennant of the cowntey of Banff.<sup>3</sup>

<sup>1</sup> "The Book of the Duffs," Vol. I., p. 79.

<sup>2</sup> "The Chiefs of Grant," Vol. I., p. 362. See also p. 322.

<sup>3</sup> "The Chiefs of Grant," Vol. III., p. 251.

These are ordering and requairing yow furthwith to raise to the number of tuantie fyve weall armed men owt of the millitia of the shyre of Banff, in the parishes of Banff, Boyndy, Collen, Fordyse and Desford, and garison the howse of the Boyne, and there to secure all armes, horses and warlick amunition for his Majesties use, and to tack care that noe person nor persons enter the said hows except those that belong to the said garisone till my further orders, or orders from the commander in cheiff in Scoteland: as also yow are to order the neighbouring countrey to furnish the said garison with fyreing and bedding, and that the said garisone doe noe manner of harm to the said hows or aney thing belonging thereto. Given at Aberdeen this fiveteen of February 1716 by me, and sealed. A. GRANT.

To the Deputy Leivetennants of the shyre of Banff, being Alexander Gardne of Troup elder and younger, and Alexander Abercromby of Glasoch.

#### REQUISITIONS BY THE HIGHLANDERS AND HANOVERIANS.

By this time the Earl of Findlater, still in Edinburgh, had no doubt of the issue of events. The exaction of cess by the Highlanders, and the requisitions in kind made by them, and by the Hanoverian forces now in occupation, continued to exercise his mind and the thoughts of the Commissioners of Supply.

To William Lorimer, Chamberlain to the Earl of Findlater at Cullen.

WILLIAM LORIMER,

Ed<sup>r</sup> ffebr'y 8th 1716.

I am extreemly troubled w<sup>t</sup> the acco<sup>ts</sup> I have allready had of my lands being distressed for the high cess and other circumstances of which I have had information, but my greatest anxiety is to know how the Highlanders have left me, and what comes off me by the march of both armys through my countrey; and therfor I have sent John Lorimer, and by him I have writt to D. Argyle, Gen<sup>l</sup> Cadogan, Brigadeer Grant and Glassaugh for there protection in the passage of K. George his army. If they come you must wait on the commissaries or those that come before them, and know what necessaries they want; and let them be supplied proportionally out of the adjacent heretors lands w<sup>t</sup> horses, fforrage or provisions. Those who are in rebellion there lands at least ought to bear ane equall proportion, and take the authority of the Sheriff depute for doeing this. And let the army want

for nothing towards there accomodation that's in yo<sup>r</sup> power, for I doubt not of there paying to my tennants as they doe to others. Take the assistance of all the gentry that's out of the rebellion to this. I suppose before you receive this that all the Highlanders will be disperst, and that therfor what things I have in a friends house ought immediately to be carryed to Co<sup>ll</sup> Buchans, who will be very carefull of what concerns me. If the Highlanders be intirely disperst, I see no danger of bringing it to my own house. You may invite the prin<sup>ll</sup> officers that command K. George army to dine or ly at my house in there passing, and let them use there own cooks in dressing there meat, and use there own plate, because I have none at home; but for any thing els you can accomodate them. Acquaint me how all things passes even before you return Jo. Lorimer out of the countrey; and you and all my tennents keep particular acco<sup>ts</sup> of yo<sup>r</sup> losses, for I hope to come at reparation some time or other. Because of straglers you should keep a guaird about Cullen, and the people of Keith and Deskford should doe the lyke. L<sup>d</sup> Grant and Glassaugh will be assisting to you. John will impart to you what further I think needfull in my own private affairs. I hope in God to be at home in a short time, and these that have taken the same method w<sup>t</sup> me shall be sure of my friendship. I am

Yo<sup>r</sup> assured ffriend,

FFINDLATER.

To the Earl of Findlater, Edinburgh.

RIGHT HONOURABLE,

MY LORD,

Since my last to your Lop. Generall Wightman, Brigadeer Grants regiment and a regiment of Swisssers passed by here. They have done no harm to your interest, save taking of free quarters. The Generall was very discreet, and left a guard at your house besyds his protection. He and the officers of Grants regiment lodged all at your house, and y<sup>r</sup> horses were in your stables. Wee expect some dragoons and more foott this night or tomorrow. Wee hear the clans and some others are yet in a body together in the Highlands, and there are spies daylie in this countrey, some wherof are allready taken up. I am still of the mind that your Lop. should stay a while where you are, till we have a full peace, which I hope will be in a short time. I have sent

for cocquetts for the two ships, one for 500 bolls meall, the other for 300 bolls bear. I hope they will sail this week, but the weather is very stormy. I am,

My Lord,

Your Lops. most humble and most obliged ser<sup>t</sup>,

WM. LORIMER.

Feb. 26/1716.

For Wm. Lorimer Chamberlane to the Earle of findlater at  
Cullen.

Edinburgh febr<sup>y</sup> 28 1716.

WM. LORIMER,

I wrote by the post in ansuire to yo<sup>rs</sup>, and acquainted you that I resolved, God willing, to be at home upon Saturday 7 night, at farthest Monday thereafter; therfor let what is necessary be provyded. I long to see the desolate circumstances of my countrey, and I have great compassion for my unhappy neighbours. I did not expect to have mett with the bad useage I have rec<sup>d</sup> from some of them, but I hope in God to recover this loss. . . . Establish a correspondence w<sup>t</sup> Col<sup>l</sup>. W<sup>m</sup>. Grant and some in the garrison of Balveny,<sup>1</sup> that wee may know what the Highlanders are doeing. Being so soon to be at home, I'll write no more, only have sent the garden seeds by the bearer.

I am

Yor assured ffriend,

FFINDLATER.

AT Banff the sevinth off March ane thousand sevin hundreth sextein yeare: Sederunt off Comissioners of Suplie off Banffshyre:—  
Alexr Gardin off Troup elder, Alexr Abercrombie off Glashaugh,  
Alexr Gardin younger off Troup, Peter Gordon off Ardmealie,  
Thomas Donaldsone off Kinnardie, John Joass off Coleonard,  
Alexr Abercrombie of Skeith, Robert Stewart Provest of Banff,  
William Loriemer in Dytach, Alex. Russell off Montcoffer.

The saids Commissioners mett as said is, off unanimus consent nemine contradicente did elect nominat and choise Alexander Gardin off Troup to be preses of the present meiteing.

<sup>1</sup> See p. 313, also "The Book of the Duffs," Vol. I., p. 79, and "The Chiefs of Grant," Vol. I., p. 360.

The said day the Commissioners taiking to there considera<sup>on</sup> the ffrequent travelling off his Majestyes fforces horse and foot to and ffrom this place, and that there are absolute necessity ffor provyding them in corne and straw ffor there fforradge, and there being noe new nominatione off Justices off Pace or Commissioners off Suplie as yet come to the shyre, the Commissioners of Supplie here present doe recomend to the Magistrats off Banff to keep exact account of what corne and straw hes bein peyt in to the Magazine Master at Banff, and how disposed off, and to whom; as also the Magazine Master to grant receipts to ye sēall persones that have allradie peyt in corne and straw, and to such as shall pay in herafter of ye sēall and particular quantityes he hes or shall receiv; and in caise there shall be occatione ffor any more corne and straw besydes what is allradie in the Magazine Masters hands, recomends to the Magistrats off Banff to call in ffor what shall be neidffull off corne and straw, ffrom the nixt adjacent paroches within the district off Bamff, at the raite of halfe ane boll corne and sextein stone sufficient straw upon each hundreth pundis off valued rent, untill there's ane more full meiteing off the Commissioners to regulate the samen; and recomends to Alexr. Abercrombie off Glashaugh, Comissioner ffor the shyre to this present Parliament ffor Banffshyre, to hasten downe the nominatione off the Justices off the Pace and the act anent the land taxt nameing the Comissioners off Suplie; and lykwayes recomends to Alexr. Gairdine elder and younger of Troup and Alexr. Abercrombie off Glashaugh to prepair and draw up ane congratularie adress to his Majestye King George suitable to the present hapie juncture and postur off affaires, to be signed by the noblemen barrons gentellmen heriters and ffreeholders off the shyre with all possible expeditione. The said day Alexr. Garden younger of Troup, Peter Gordon off Ardmeallie, Alexr. Abercrombie off Skeith and Robert Stewart Provost off Banff did in fface off the meiteing taik swear and subscribe the oaths of alleadgeance and assurance to his Majesty King Georg.

ALEXR. GAIRDNE.

THE MICHAELMAS CESS OF 1715, AND MARCH CESS OF 1716.

AT Banff the sixteinth day of March Jayvyi& and sixtein years.  
Sederunt as Commissioners of Supplie of Banffshyre—Collonell  
William Grant of Bellandallach, Alexander Gairden younger of

Troup, John Joass of Collynard, Peter Gordon of Airdmellie, Captain Alexr. Abercrombie of Glassach, Alexander Abercrombie of Skeith, Thomas Donaldson of Kinardie and Thomas Grant of Auchynanie, who choose Collonell Grant preses.

The whilk day the Comissioners having mett is to considder of ane letter sent by the Gen<sup>l</sup> Reciever directed to them of date 24th ffebruary last past anent the Michallmas cess resting, as also for the cess payable the 25th March instant. The sds Comissioners, being informed by ane letter under their Clerks hand of his indisposition, they excuse him, and have appointed Thomas ffordyce notar publict to sitt as their Clerk for this meeting; and they approve of the intimations issued out for the cess dated the fourteenth current, conform to the sederunt of the twentie eighth of July last, and orders the Collector to remitt the cess as fast as it comes to his hand; and in the meantime recomends to Alexander Garden younger of Troup to write in name of the meeting to Edr. to Douglas of Cavers to acquaint him of the orders given in compliance to his, and that nothing shall be wanting in the power of the Commissioners for making the samen immediatlie effectuell, and at the same time beg his favour in delaying quartering, because the circumstances of the countrey and skarisetie of mony occasioned by the heavie taxes unwarrantable and illegally raised, and other acts of oppression, as weell as want of all sort of trade.

The Commissioners taking to their consideration the frequent occasions there is for corn and straw to supply his Mties fforces, that have occasion to pass thorow or ly at Cullen, they therefore recomend it to the Magistrates of Cullen to call in for, as occasion requires, at the rate of one ffirlott of oatts and eight stone of straw off each hundred pound of valued rent, out of the parochines of Cullen, Rathven, Deskfoord, ffordyce and Ordiqwhill, and to grant receipts therefore, and hold count how the samen is disposed of.

WILL. GRANT.

The Lord Deskford.

MY LORD,

I had the honour of your Lops. of the 26th Febry, and was very glade to know of your own and Ladyes well being, the continuance wherof I wish from my heart. The circumstances of some gentlemen in our countrey are very melancholious; but, blessed be God, the condition of the countrey is not so bad as was represented at first. The



army sent to Inverness has now past us by parties, and wee have had no loss but free quartering, which wee count not off. Wee payed twelve monethes cess of late, which must be payed again to the Government. The tenents payed the one half of this great cess, and they must have relieff; but I hope this and other losses will be repaired by those who got the money. Your father is expected here tomorrow, and what he does in this affair your Lop. must doe the lyke. I hear the Government is to putt a garrison in the House of Boynd, which I wish may be done speedily, least the Lady should return and take possession; and I am perswaded your father will comply with your desire anent the settling your family there. . . . And I am,

My Lord,

Your Lops. most humble and most obliged servant,

WM. LORIMER.

Mar. 12/1716.

The Earl of Findlater, Cullen.

Edinburgh, Apryle 9th 1716.

MY LORD,<sup>1</sup>

The Justice Clerk has some information agst Jno. Mark. Whether it be what yo<sup>r</sup> Lop. wrote about him in yo<sup>r</sup> last letter but one I know not. I think yo<sup>r</sup> Lop. has done right (upon the suspicion you had of his behaviour) to suspend him from the Sherriffship, which shews yo<sup>r</sup> displeasure sufficiently; and if the 300 M<sup>c</sup>phersons were in the countrey at the time it may go farr to excuse him, considering his constant zealous behaviour for K. George service both before and since that time. Of this yo<sup>r</sup> Lop. needs take no notice to any person.

Wee doe expect when the Parl<sup>t</sup> meetts there will be something done towards mercy. There are s<sup>e</sup>rall of the Court disposed towards it, and the King as much as any.

Wee had no news last post and can expect litle till the Parl<sup>t</sup> sitt down. . . .

#### APPOINTMENT OF PATRICK DUFF AS CLERK OF SUPPLY.

The confusion of the rising was evidently too much for Thomas Duff, Clerk of Supply. In May 1716, he dropped out of office, and

<sup>1</sup> Unsigned, and in John Philp's handwriting.

was succeeded by his relative, Patrick Duff of Premnay, later of Culter, fourth son of Patrick of Craigston, youngest son of Alexander of Keithmore.<sup>2</sup> Thomas Duff died in 1717.<sup>1</sup>

Sederunt of the Commissioners of Supply of the Shyre of Banff: Holden at Banff the fifteenth day of May 1716 years by My Lord Deskfoord, Lord fforflan, Auchquainanie, Troup, Edengeith, Kinairdy, Collenwart and Montblairie yor., who unanimously elected My Lord Deskfoord preses of the said meeting.

The Commissioners called by the Sheriff depute to impose eight months cess for the service of 1716 being all qualified conform to law elect Patrick Duff, writer in Aberdeen, Clerk.

Mr. Andrew Hay younger of Mountblerie Coll<sup>r</sup> appointed for collecting the four months supply, pāyle out of the shyre of Banff for the service of the year Iajvij<sup>c</sup> and fifteen, presented to the meeting a letter directed to him subscrivd by John Philip, one of the Auditors of the Revenue, dated at Edinburgh the second of this instant moneth of May, whereby he writes to the said Mr. Andrew Hay that he had paid up the cess due for the shyre of Banff in March Jajvij<sup>c</sup> and fifteen, and that he had further paid to account of the following September cess twenty one pound eleven shillings and four pence sterling, and that when John Innes bill came in it should be further applyd thereto, which bill was for three hundred fourty nine pound nine shilling four pennies Scots mony, which letter was by the Commissioners appointed to be returned to the said Mr. Andrew Hay. The saids Commissioners considering that by the late rebellion and troubles in this country the supply due out of this shyre, which was pāyle in September last, could not be got so punctually levyd as it otherwise should been, they appointed the said Mr. Andrew Hay to collect and levy the same now with all dilligence, and to use such legal execution as should be requisite for recovery thereof from the deficientes, and to pay in the same to the general receiver at Edinburgh how soon possible, and appointed three of their number viz. Troop, Collindwart and Kinairdy or any oyr of their number, that should attend, to meet with the said Mr. Andrew Hay at any time they should appoint betwixt and the tenth day of August nixt to come, and to examine his acco<sup>ts</sup> and receive up the general

<sup>1</sup> "The Book of the Duffs," p. 432.

<sup>2</sup> Ibidem, pp. 295-6, etc.; and Henderson's "Society of Advocates in Aberdeen," p. 156.

receivers discharges for the cesses paid to him preceeding the first day of Aprile last bypast. Mr. Hay is appointed Collector for current eight months cess for the service of 1716. And, in consideration of his losses he sustained by the late rebellion, and that the late Coll<sup>r</sup> had allowed him seven hundred merks of sallary for collecting the eight months cess, they allowed the said Mr. Andrew Hay seven hundred merks of sallary for collecting the said eight months supply, and continue the sallary paid to former clerks to their clerk viz. three hundred merks Scots, and continue the shyres post for a year at 2s. ster. weekly.

The saids Commissioners considering the losses the country people might have sustained by the Kings forces in their marches through this shyre, they appoint their Clerk to make intimationes at every parioch church w<sup>in</sup> this shyre to those that find themselves losers by the marches of the forces to attend the Commissioners of Supply at Banff upon the second Tuesday of August next, there to make affidavit by whom and what were the quantitys and value of their rēxive losses, that the same may be redressed as is provided by law.

Cess and salaries stented at £3 3/s Scots on every £100 valued rent, and dates of payment fixed &c.

DESKFOORD.

On 14th August 1716, none of the country people appearing to depone upon their losses except James Stuart in Achbeggs, John Stuart in Auchinreath,<sup>1</sup> and Alex<sup>r</sup>. Paterson in Thornybank,<sup>2</sup> the same was delayd till the Commissioners should appoint a new dyet, none being present but Provost Stuart of Banff and John Mark late Provost of Banff. The said J. Stuart protested agst Provost Markes rights to sit in the meetings of the Commissioners of Supply in respect of sd Rot. Stuart was present Provost of Banff.

Robert Stewart, Provost of Banff, 1715-16 to 1718, and from 1721 to 1724, father-in-law of Thomas Duff, Clerk of Supply, and father of John Stewart, Supervisor of Excise, was through his connections considered Hanoverian enough to supplant Provost Mark, who was suspect as Jacobite.

#### BANFFSHIRE JACOBITES UNDER ARREST IN 1716.

The following letter of Lord Justice Clerk Cockburn, erroneously designed after the English style Lord *Chief* Justice Clerk, shows the mild local manner of dealing with some of the Banffshire Jacobites who had come in, and were put under arrest.

<sup>1</sup> In the parish of Bellie.    <sup>2</sup> In the parish of Rathven.

Letter <sup>1</sup> from Lord Chief Justice Cockburn to Lord Townshend  
from Edinburgh, September 8, 1716.

When I was at Aberdeen, I had information there were severall heretors in the county of Banff, who had been in arms for the rebellion, had surrendered, and were made prisoners, but are now all at liberty. I sent into that county to know the truth of this, and had a returne that severall gentlemen surrendered ymselves to the Deputy Lievts, gave up yr horse and arms they had in the rebellion wt them. The Deputy Lievts according to order delivered these gentlemen to the comanding officer at Banff for the time, and as the troops were releaved the prisoners were delivered to the succeding comandrs, till at last a detachment of Wills regiment comanded by Lievt Melvill is ordered to march from that, but no party being to releave him, he delivered a list of the prisoners to the Magistrats of Banff, and they not being comitted to the tolbooth, but kept in lodgeings under centinells, the Magistrats took no further notice of ym, and ye gentlemen are all retired. I believe many of ym are yet in yt country. If the Government thinks fitt to cause enquire after ym, I thought it my duty to give notice of this. Here enclosed is a list of ym.

George Gordon of Buckie.

George Gordon of Glestirum.

Harry Gordon of Avachie.

Alexander Gordon of Glengerrock.

Charles Hay of Ranas.

John Hay of Mildavit.

Alexander Anderson of Arradoull.

John Abernethie of Meyan.

John Stuart of Drummin.

Alexander Keith of Northfield.

Sir James Abercromby of Birkenbog.

George Abercromby younger of Skeith.

Adam Gordon of Balgowen.

Sir James Gordon of Park.

Andrew Stewart of Auchluncart.

John Ross of Allanbuy.

<sup>1</sup> S.P. (Scotland) Letters and Papers, 2nd Series, Bundle 12, No. 165, Public Record Office.

In the first week of September 1716,<sup>1</sup> 73 prisoners marched or were due to march to Carlisle from Edinburgh and the Castles of Stirling and Blackness, including—

3rd Sept.—Mr. Patrick Gordon, eldest son to Aberlour.

5th Sept.—From Edinburgh Castle—

Alexander Lord Marques of Huntley.

John Gordon of Glenbucket.

John Gordon, uncle to the Earl of Aboyn.

#### THE DISARMING OF BANFFSHIRE.

October 22—In terms of the act of Parliament the Magistrates [of Banff] appoint tomorrow for taking in the arms, it being not now lawful to use or bear broad sword or target poynyard whinger or durk syde pistoll or syde pistolls or gun or any other warlike weapons, and that the arms of Royal Burghs are to be kept in magazines, and are not to exceed 200 in number. Such arms when brought in are to be appreciated. The county cess of 1717 was applied in payment of the arms given up.

On 10th November 1716 Brigadier General Grant Lord Lieutenant of the County, received from his Deputy Lieutenants an account<sup>2</sup> of their proceedings under the Disarming Act. At Banff the arms delivered up amounted to sixty six guns, fifteen pistols, twenty six swords, three dirks, and four Danish axes or halberts. At Cullen there were delivered one hundred and thirty six guns, seventy four pistols, nine barrels of guns, two hundred and thirty six swords, thirty three dirks, a steel cape, and three calivers. These arms were placed in the custody of the Magistrates of Banff and Cullen. At Keith there were delivered up six hundred and thirty four swords, ninety one dirks, three hundred and ninety six guns and barrels of guns, fifteen locks of guns, two hundred and nineteen pistols, thirty seven halberts or partisans, eighteen targets, and one steel breastplate.

The arms collected at Cullen and Keith were in course sent to Banff for safe custody.

#### A NEW COMMISSION OF THE PEACE.

The Deputy Lieutenants at the same time sent the Brigadier a list of gentlemen whom they proposed for appointment as Justices of the Peace for the county. A new Commission of the Peace was

<sup>1</sup> S. P. (Scotland), Letters and Papers, 2nd Series, Bundle 12, pp. 151-153, P.R.O.

<sup>2</sup> "The Chiefs of Grant," Vol. I., p. 365.

accordingly issued for the shire of Banff, as may be seen from the following three minutes:—

AT Banff the twentieth first day of January one thousand seven hundred and seventeen years:—Sederunt of the Justices of Peace of Banffshire. Justices present—My Lord Deskfoord, Captain Alexander Abercromby of Glassach, Thomas Donaldson of Kinairdie, William Gordon of ffarskan, Robert Steuart Provost of Banff, and Walter Brannes at present eldest Bailie of Cullen, who unanimously elected My Lord Deskfoord preses to the said meeting.

The Justices foresaid, having taken the oaths and qualified conform to law, did appoint intimations to be sent and published at the severall Paroch Churches within the shyre, requiring the haill Justices of the foresaid shyre to meet at Banff the first tuesday of february next at ane quarterlie session to be holden there, and that the Justices of the Peace who have not as yett qualified may receive the oaths and qualifie conform to law.

DESKFOORD, Pres.

AT Banff the fifth day of february, being the first tuesday of the said month one thousand seven hundred and seventeen years.

The said day anent the intimations sent to and published at the severall Paroch Churches within this shyre, by order of the last meeting of the Justices of the Peace holden at this place the first day of January last, requiring the haill Justices of the peace of the sd shyre to meet this day and place to the effect mentioned in the last act, and there having none compeared except Thomas Grant of Auchynanie, who being one of these appointed by the Brieve sent with the Commission to qualifie the rest of the Justices of the Peace nominate by the said Commission: Therefore the said Thomas Grant of Auchynanie appoints Thursday the fourteenth of february current ffor the whole Justices of the Peace within the shyre of Banff not yett qualified to meet at Bellgarren in the parochin of Boharm, and appoints Mr. Robert Blenchel notar publict in Keith to carry alongs the peapers and writes necessary for, and appoints the same to be returned to Banff to the Justice of Peace Clerk or his Depute there, and ordaines intimations to be sent furth to the severall paroch churches the next Sabbath day to be intimate as accords; and excuses Walter Grant of Airdendillie,

Alexander Anderson of Newtoun, Mr. James Leslie of Tullich, John Innes elder and John Innes younger of Edingeith, Archibald Grant of Papine, and William Duff of Bracco, in respect of their several letters sent and in the Clerks hands and other relevant excuses.

THOMAS GRANTT.

In accordance with precedent, the Clerk of Supply, Mr. Patrick Duff, was appointed Clerk of the Peace.

SEDERUNT of the Justices of the Peace of Banffshyre holden at ffordyce the seventh day of March Jajvij& and seventien years by My Lord Deskfoord, William Gordon of ffarskan, Thomas Grant of Auchynanie, John Ogilvie of Kempcairn and John Ord of ffindochtie. ffarskan preses.

The Commission and other writes delivered to Mr. Robert Blenchel were by him redelivered to Thomas ffordyce as Depute Clerk to Patrick Duff, as also Cavers Douglas letter anent the lights dated the twentie nynth Jañry last.

WILLIAM GORDON.

William Gordon was third laird of Farskane, Rathven. He married Helen, second daughter of Alexander Duff of Bracco. Dr. Cramond<sup>1</sup> states that he was implicated in the rising of the Fifteen, but on what grounds the Editor cannot find. He died in 1735.

#### THE ARREARS OF CESS FOR 1714-16.

SEDERUNT of the Commissioners of Supply of the Shyre of Banff met at Banff the Thirty day of May One thousand seven hundereth and seventeen years. Present—Collynward, Mountblairy, Provost Stewart present Provost of Banff, Kinnairdy, Provost Mark. Kinnairdy chosen preses.

Meeting called by Sheriff of Banff to stent and proportion the eight months cess for the service of 1717, and to examine former Collector's accounts. Patrick Duff, writer in Aberdeen, again chosen Clerk.

The said Mr. Andrew Hay of Mountblairy, Collector of the former supply for the service of the years Jajvij& and fifteen and Jajvij& and sixteen, for discharging himself and the shyre thereof, produced a discharge granted by Gavin Plummer, deputy receiver of the supply for Scotland, dated the seventh day of August Jajvij& and sixteen years, for fyve hundred seventy three pound fifteen shillings and sixpence

<sup>1</sup> Dr. Cramond's "Annals of Banff," Vol. I., p. 114.

sterling in complete payt. of twelve months supply, pāyle by the said shyre at the three termes following, viz., four moneths supply pāyle agt the twenty fifth of March, and four moneths supply pāyle agt the twenty nynth of September Jajvij& and fifteen, and four moneths supply pāyle agt the twenty fifth of March Jajvij& and sixteen, being in full payt. of the cess due out of the said shyre for the sds years Jajvij& and fourteen and Jajvij& and fifteen, which discharge being seen by the sds Commissioners they approve thereof, and appoint their Clerk to cause registrat the same. . . . .

And, for instructing what he had paid of the cess due out of the sd shyre for the year Jajvij& and sixteen, [the Collector] produced a receipt granted to him by Alex<sup>r</sup>. Innes, clerk to the receivers office, dated the twenty fourth of June Jajvij& and sixteen for twenty six pound fyve shillings and two pence sterling, which with former receipts compleitly paid the two moneths cess pāyle out of the sd shyre at and before the twenty fourth of June last bypast; as also produced anoyr receipt to him from the sd Alex<sup>r</sup>. Innes dated the tenth of November last for twenty three pound fourteen shillings and ten pence sterling to account of the two moneths supply pāyle by the sd shyre the twenty nynth of September last, and likewise produced anoȳr receipt from the sd Alex<sup>r</sup>. Innes dated the twelvth of Apryle last for four hundereth thirty one pound thirteen shillings nyne pence and one sixth part sterling, to account of the six moneths supply pāyle by the sd shyre the twenty nynth of September, twenty fifth of December, and twenty fifth of March all last bypast; and which receipts the sds Commissioners appointed to be delivered back to the sd Mr. Andrew Hay, that he might pay up the ballance of the sd cess due out of the sd shyre for Jajvij& and sixteen, and recover the receivers discharge therefor how soon possible, which was accordingly done. The sd Mr. Andrew Hay produced also a list of defficiant cess due out off the sd shyre, ammounting to two thousand eight hundereth and two pound two shilling and ten pennys, which being considerably more than the ballance due by the sd shyre to the receiver, they appoint him to call for the same and use all ordinary dilligence for recovery yrof.

Mr. Hay reappointed Collector at 600 merks. 300 merks to Clerk continued. Shyres Post continued at 2/- stg. weekly.



SEDERUNT of the Commissioners of Supply of the Shyre of Banff met in Banff the fifteenth day of May Jajvij& and eighteen years. Present—My Lord Deskfoord, My Lord fforflan, Coll. Grant, Carron, Glassaugh, Capt. James Grant of Elchies, Mountblery and Kinnairdy: Who unanimously named My Lord Deskfoord preses.

The meeting being met to impose the eight months supply for year 1718, to choose a Collector and Clerk, and to examine the Collectors accounts of pay<sup>t</sup> of last cess, Patrick Duff, writer in Aberdeen, is again appointed Clerk.

The said Mr. Andrew Hay represented to the Commissioners that albeit he had paid up very near the haill last years cess, yet the same having been applyd for pay<sup>t</sup> of ye arms given up to the government in the terms of an act of this pñt Parliament, yet the sds receipts not being allowd to ye geñll receiver by ye Exchecquer, he can get no discharge therfor untill the same be done, and cravd that the giving in his discharge of the last years cess might be delayd till their next meeting, and which the Commissioners agreed to. And in consideration of ye discharge mentioned in the last sederunt, which clears the cess of ye shyre for cropt 1715 and preceeding, they appoint his and his caurs bond for the cess of 1715 to be cancelld.

Mr. Andrew Hay is appointed Collector of the eight moneths cess for the service of 1718 at 1000 merks. The Clerk is appointed at 400 merks, and the Post continued.

DESKFOORD, Pres.

Next year on 15th May 1719 Mr. Andrew Hay the Collector produced discharges by Alex<sup>r</sup>. Innes deputy receiver for the cess of 1716 and 1717, and the arrears of 1715-16 were then finally wiped out.



### CHAPTER III.

#### ROAD ADMINISTRATION FROM 1710 to 1760.

**I**N the oldest extant Minute Book of Commissioners of Supply and Justices of the Peace of the County, beginning 10th November 1696, the following minute of May 1710 is until 1718 the only one that bears on county road administration:—

ATT Banff the 25th day of May 1710 years, Sederunt of the Commis<sup>rs</sup>. of Supply of Banffshyre: Present:—The Lord Deskfoord, The Lord fforgland, Park, Birkenbog, Troup, Kinminnity, Collynevart elder, Meyan, Edingeith yor, Kinairdie, Castlefield, Provest Mark, Corskie yor, Monblairie, Rosieburne, Carnousie, Dykesyde, Arindullie, Tullich and Edingeith elder.

The Commis<sup>rs</sup>. pñt elect the Lord Deskfoord preses. . . .

The Commis<sup>rs</sup>. forsd as Justices of Peace remitts to Carnousie, Monblairie, Rosieburne and Collynevart elder and yor, or any three of them to visit the high wayes leading throw the parishes of Alvah and fforgland, and to repair them, and make qt report they find necessary to the next gra<sup>l</sup> meeting of the Justices. The Justices pñt recomends to Edingeith elder, Collynevart, Provest Mark, Raggall and Baldavie to visit the highway betwixt Blairshinnach and Baldavie, and to get the help of the parish of Boindie and Banff for repairing the same, as the sd comity shall find it necessary. .

#### ROADS AND BRIDGES, 1715-1718.

In 1715 the act 2, George I., c. 22, and in 1718 the act 5, George I., c. 30, were passed. These two acts re-enacted the code of highway maintenance and management established in the reign of Charles the Second, with the following variations. They abolished the powers of the Council of Scotland, which no longer existed. The Justices of Peace and Commissioners of Supply were to convene every 3rd Tuesday of May to choose Clerks and Surveyors. The statute labour, the ancient means of maintenance imposed on the inhabitants, was fixed at three days before the end of June and three days after

harvest. Those absent from the statute labour were liable to pay 18d. for each day they were absent without a substitute. Surveyors, who were bound to accept office under a penalty of £5, were ordered to report on the condition of the highways every six months. Scotland was then emerging from the troubles of the rising in 1715 under the Earl of Mar in favour of the exiled Stuarts, a rising which much more seriously affected Banffshire than the subsequent one of 1745. There can be little doubt that the improvement of the highways of Scotland then came to be an important part of the policy of the British Parliament in bringing about the settlement of the country. The statutes referred to set the authorities of Banffshire in motion in the matter of roads and bridge-building; and, with the improvement of roads in consequence, the period under review was marked by the gradual introduction of wheeled traffic, in place of the hitherto universal horse, furnished with "curracks" or "crook-saddle."

In 1718, the Justices of Peace met at Banff on the 15th day of May. The proceedings at this and subsequent meetings in inaugurating and carrying on the county management of roads and bridges may be of sufficient interest to warrant a verbatim narrative in some detail; while the local interest attaching to the making of particular roads and to the building of particular bridges may also excuse a fairly detailed chronicle of these. At the same time the proceedings bulk so largely in the Minute Book that it may be advantageous to confine this chapter to road administration alone.

SEDERUNT of the Justices of Peace of the Shire of Banff, met at Banff the fifteenth day of May Jajvij& and eighteen years.  
Present—My Lord Deskfoord, My Lord fforghlen, Coll. Grant, Glassagh, Carron, Elchies, Kinnairdy, who named My Lord Deskfoord preses.

The saids Justices of Peace, considering that by severall acts of Parliament they are appointed to cause the highwayes and bridges in their rēxive shyres to be repaired, and that the highwayes w<sup>in</sup> the shyre of Banff are generally neglected and in many places in ye winter impassable, for repairing the same and preventing the lyke afterward they appoint and ordain the Justices of Peace of each district, w<sup>t</sup> the constables of each parioch to survey all the public roads w<sup>in</sup> the haill parioches of the sd shyre, such as lead to the head burgh of the shyre, any seaport town w<sup>in</sup> the shyre, to ye parioch churches and all oyr public places, and when the sds roads are not twenty foot broad, as appointed by ye 38 act, 1 Sess. 1 Par., Cha. 2d., and head





*James, 5<sup>th</sup> Earl of Findlater and 2<sup>nd</sup> Earl of Seafield.*

BY ALLAN RAMSAY

rigg & casey, or where the repairing of calseys or ridges is needfull, and to report the same and in what condition they are presently and what mony will be requird for making them sufficient, by and attour the services which each parioch are obligd to give by law; and in the meantyme appoint the Justices of Peace to cause the constables oversee and sett about mending such of the sds highwayes, as can be repaired by the services due by ye rēxive parioches by law, and to interpose their authority for putting the laws in execu<sup>n</sup> agt. such as are negligent in attending and assisting to repair the sd highwayes by the intima<sup>n</sup> of any two the Justices of the Peace at the rēxive parioch churches: And recommend it to Glassaugh, and ffarsken, and Troup to oversee the repairing the ways w<sup>i</sup>n the district Banff and Cullen and all below Keith; and to Carron, Coll. Grant and Captain James Grant to oversee the repairing the highwayes of the shyre above Keith. . . .

DESKFOORD.

JAMES, LORD DESKFORD.

Lord Deskford, who presided at the meeting on 15th May 1718, was the eldest son of the Chancellor Earl of Findlater and Seafield. He was born in 1689. In 1699-1700 his father entered him at Marischal College, Aberdeen, in the records of which he is styled nobilissimus Jacobus de Deskford. He studied under Mr. George Peacock, regent, whose prelections ran through the encyclopædic course of logic, physics, arithmetic, geometry, moral philosophy and economics. He was of a studious and serious character. His private tutor, William Blake, writing on 7th March, 1701, giving an account of a fight between the students of Kings and Marischal Colleges, says:—"As to the rupture between the colledges it was truely very dreadfull, for gentlemens sons in both were in hazard of their lives evry hour for 8 or ten dayes together, but now blessed be God all differences amongst the students are composed. The Master judged them both fools, and never thought of sydeing with either of them." He went to Utrecht University in 1705, where he made very good progress in French, History, and Law. There too the serious and religious strain in his character, which he inherited from his mother, kept him out of the usual rowdy student life. His tutor, writing to his father on 19th June 1705, tells how "My Lord Deskford lives in good friendship and correspondence with the English and Germans here, he walks in the fields with them, converses in coffee housses, receives and returns their visits, but

never goes allong to the tavern, nor ever makes a pairt in their night caballs. They doe not generally apply themselves to any study." As Lord Deskford or rather Deskfoord, as he writes it in his large and beautiful handwriting, he took an active part in the government of the county from 1709 to 1721, and was almost invariably elected preses of every county meeting that he attended. His father had been one of the strongest supporters of the Revolution settlement, and had carried the Union of the Parliaments of Scotland and England, though later in 1713, owing to his disapproval of the Malt Tax as applied to Scotland, and of other measures passed by the United Parliament, he had moved and nearly carried in the Lords its repeal. After the death of Queen Anne, on 1st August 1714, and on the eve of the Rebellion of 1715, Lord Deskford's loyalty to the new Government, probably on account of his connexion with his wife's relatives, the Hays of Kinnoul, one of whom, Col. Hay, was "out," was suspected, and he was for a short time confined a prisoner in Edinburgh Castle. He had previously presided at a meeting of Commissioners of Supply of the County of Banff held on 15th August 1714, twelve days after the Queen's death, and after the news of it had travelled north. At that meeting steps were taken, on the recommendation of the Lords of Justiciary, to put the county in a position of defence should any rising in the Highlands in favour of the exiled Stuarts, as was apprehended, take place. This would be all in favour of the sincerity of his loyalty. The truth would seem to be that contemporaneous with the right-about face movement of the Earl of Mar, who acclaimed George's accession in 1714 and raised the standard for the Stuarts on 6th September 1715, everybody in Scotland was more or less suspect. We find Deskford next presiding at a meeting of the Commissioners of Supply of the County on 15th May 1716. To him more than to any one Banffshire owed the progressive policy of road management inaugurated in 1718. On succeeding to his father in 1734 he was appointed one of the Lords of the Police, and three years later he was appointed Vice-Admiral of Scotland. He died at Cullen House on 9th July 1764.

#### BRIDGE BUILDING IN ST. FERGUS.

On the 15th day of May 1719 the Justices again met at Banff under the presidency of Lord fforflan. There were present:— My Lord fforflan, Provost Scott, Kinairdy, Troup Eldr, and Kincardine. That day Troup Elder called attention to the building of a bridge in St. Fergus parish (a parish long administered as an integral part of Banffshire) by William ffraser of Broadland, and the meeting agreed to pay Broadland his outlay. In regard to the maintenance of the highways of the county the Justices further resolved as follows:—

The saids Justices of Peace, all the heritors, and others within the



shyre of Banff to cause their respective tennents and sēvttis cleanse the highways of stones, and repair the same in the terms of the acts of Parliatt and their former acts made thereanent, and appoint intima<sup>o</sup>ns to be made publicly through the shyre for that effect.

ALEXR. OGILVIE, LORD FORGLEN.

Lord Forglen, who was usually chosen preses of the meetings of the Commissioners of Supply in the absence of Lord Deskford, was the second son of the second Lord Banff, and is said to have been born about 1660. Related to the family of Findlater, he was a frequent correspondent of theirs, and several of his letters are included in "Seafield Correspondence."<sup>1</sup> Through the influence of his cousin, the Viscount Seafield, he was appointed in 1699 Deputy Keeper of His Majesty's Signet. On 13th March 1700 he got sasine of the family lands of Forglen and part of Inchdrewer. In June 1701 he was created a Baronet, with the style of Sir Alexander Ogilvie of Forglen. At Michaelmas that year he was enrolled in the County suite roll for Forglen. At the election on 6th October 1702 of young Boyne and Bracco as Commissioners of the shire, when Seafield's nominee, Sir James Abercrombie, seems to have retired from the contest, Forglen led the Seafield opposition. At a meeting of Commissioners of Supply of Banffshire on 15th October 1702 he took the oaths of allegiance to Queen Anne. He sat in the Scots Parliament from 1702 until the Union in 1707 as Commissioner for the Royal Burgh of Banff, and it was made a condition of his election early in 1702 that he should receive no pay, and that he should "procure ane letter from the Duck of Gordone that his Grace is satisfied Forglen is his friend." Owing to the influence of his powerful relative, the Chancellor Earl of Seafield, he eschewed the Jacobite tendencies of the House of Gordon, and received in consequence rapid advancement. He actively supported the union of the Parliaments, and was appointed one of the Commissioners for the treaty. On 29th March 1706 he was made a Judge of the Court of Session, and took the title of Lord Forglen. Writing of a vacancy in the Scots bench in 1700, a correspondent of Carstares remarked—"My Lord Seafield is for all of them [the candidates] till the Parliament sits, and then for his cousin Forglen when it is over."<sup>2</sup> It was probably owing to his influence that his brother, the third Lord Banff, a Jacobite and Roman Catholic, came into line with the Government at the time the union was carried.

In the troubled times after the death of Queen Anne, on 1st August 1714, he took an active part in the county government of

<sup>1</sup> "Seafield Correspondence," Scottish History Society, 1912, *passim*.

<sup>2</sup> Carstares State Papers and Letters, p. 612.

Banffshire. He was present at the meeting of Commissioners of Supply when the cess was voted on 14th August 1714, and when measures were taken to put the county in a state of defence against an apprehended rising in the Highlands in favour of the Stuarts. He presided at a special meeting of Commissioners of Supply and Justices of the Peace on 1st September 1714, when, owing to the death of the Justice of Peace Clerk, Patrick Lesly of Melross, he was asked to write Lord Findlater that those present "would have qualified y<sup>r</sup>nselves and given orders to o<sup>u</sup>rs, but the want of a clerk impeded them." He was present at the meeting on 15th May 1716, after the rising had been put down, when the cess was imposed; and, down to 1723, he took an active part in the county government. He was succeeded by his son, Captain Alexander Ogilvie, and his grandson, Sir Alexander Ogilvie, became seventh Lord Banff. He died on 30th March 1727.

#### CODE OF ROAD MANAGEMENT, 1721.

The more or less general orders and the directions of the Justices in 1718 and 1719 do not seem to have been very effective. In 1718 the county was roughly divided into two districts, an upper and a lower one, much as it is at present; and the roads, which appear to have been in a very bad condition, in each district were put under the general direction of three heritors, who gave their services gratuitously. This did not obtain long. The tentative division into two districts was given up in 1721. A salaried general overseer, as well as more stringent and more detailed regulations for road management, together with funds from a county road rate, were soon found to be necessary, if the highways were to be effectually made and repaired, and necessary bridges were to be built. The county authorities were ready to press these reforms forward. With the imposition of a road vote the Commissioners of Supply, as such, came to the front, and the Justices receded into the background.

On the 6th October 1721 the Commissioners of Supply of the county met at Banff, under the presidency of Lord Deskford. There were present:—My Lord Deskford, Sr Alex<sup>r</sup> Ogilvy of fforgran, Alex. Abercromby of Glassaugh, Mr. Andrew Hay of Monblary.

The sd day the sds Commissioners, taking to their considera<sup>o</sup>n that the Comissrs & o<sup>u</sup>rs w<sup>i</sup>n this shyre are lyable to be prosecute for their remissness in not repairing the highwayes and roads in the terms of the sēvll acts of Parliat made theranent, doo therfor ordain intima<sup>o</sup>nes to be issued out of the sēvll paroch churches w<sup>i</sup>n this shyre requireing all Heritors, Commsrs of Supply and Justices of the Peace and others lyable to repair the highwayes to meet att Banff upon ffryday

the thirteenth instant, in order to consider the most effectuall measures for repairing the sds highwayes in the termes of the acts of Parliat made thereanent, and likewayes appoint the constables of each paroch to attend the sd court, and give in pārlar account of such roades and bridges as want to be repaired w<sup>in</sup> their respective paroches, and ordaines the expense of this present intima<sup>on</sup> to be payed out of the first fonds to be appointed for the repara<sup>on</sup> of the sds highwayes.

DESKFOORD.

A week later the Commissioners of Supply of Banffshire, who were the sole authority in the county entitled to impose a county rate, and Heritors met at Banff on 13th October 1721, under the presidency of Lord Deskford: Present—My Lord Deskfoord, My Lord fforflan, the Lairds of Bracco, Glassaugh, Ardmellie. They recommended the imposition of a road rate, appointed a salaried general overseer, and drew up the following code of road management for the county:—

The Comysrs of Supply and heretors having met in obedience of there last act, dated the sixth day of Octr. instant, and takeing to their consideration, and being fully informed from the respective pairts of the shyre, that it is absolutely impossible to make the necessary repara<sup>ons</sup> of the highwayes w<sup>out</sup> imposeing the ten shillings Scots upon each hundred pounds valued rent allowed by act of Parliament, and appointing a grāll overseer as wel as the particular ones in each paroch, they did unanimously come to the following resolutions:

Resolved: That two pence halfpenny sterl. be collected quarterly upon each hundred pound valued rent w<sup>t</sup> the cess, ay and while the necessary repara<sup>ones</sup> be made, and that the sd two pence halfpenny doe commence to be payed the first of December next with that terms cess, and that the Clerk of Supply issue out intima<sup>ones</sup> conforme.

Resolved: That whoever shall be named the Generall Surveyor be allowed of salary one hundred pounds Scots p. annum, and half-a-croun a day whenever he shall be oblidge to travell b<sup>wn</sup> or attend the sds works, and that the sallary commence from the 15 day of May next.

Resolved: That out of the first and readiest of said money there be four pretty large swayes and eight hand gavelocks, twelf pulayes and twelf yron spades bespoke and bought.

Resolved: That ther be two overseers appointed in each paroch, who are to attend the workmen of the said paroches day about by

turns, who shall be putt on oath to give an account of all persons oblidged to work by act of Parliament, that when they shall be absent for a whole day, or any part yrof, they may be fyned accordingly.

Resolved: That betwixt and the            day of            the session clerks and elders of each paroch doe give in a list of all tennents, their men servants, cottars, crofters, & grassmen (Lords and boyes that drives horses excepted, except such as hade the plough and threshes) w'tin their resp̄ive paroches, that it may be the more easily known who shall absent themselves from working att the roads, after the public intima<sup>o</sup>n shall be given for attendance.

Resolved: That wher any bridge or caulsey is to be made w'tin any paroch, the tennents of the sd paroch shall load the stones, lyme, sand, and other materialls necessary for the same, and the lyme and masson work is only to be payed out of the generall charge.

Resolved: That wher bridge or caulsey is to be made on the confines of two paroches that both paroches shall contribute equally for loading stone, lyme, sand and oyr materialls necessary for the same, and the lyme and masson work to be payed as above.

Resolved: That William Syme, merchant in Banff, be appointed overseer for the space of a year, and that he provide the swayes, gavelocks, pules and spades as above; as also call for the lists from the sväll session clerks of the resp̄ive paroches as above; as also that with all conveniency he doe informe himself of the propest persons in each paroch to be appointed overseers therin; and that by the advice of the heritors in each paroch he review and consider all the publick roads in each paroch, and what bridges and caulseys will be needfull in each paroch; and call workmen to know what expense will be needfull above the materialls chargeable upon the paroch, and to prepare a state therof agst the 15 day of May next, for which paines and expenses the Commissioners present promise him payment and a sufficient reward.

Resolved: That as he passes by the sds highways he doe take notice where encroachments are made upon the sds highways, ether for want of head ridges or by bringing down the ends of ridges too farr upon the highways; and that the sd William Syme doe issue out intima<sup>o</sup>n in name of the sds Commissioners requirring all persons to observe the directions given by them anent the highways and

repara<sup>o</sup>ns to be made, and likeways that intima<sup>o</sup>nes be given for cleanseing the roads of all loose stones.

Resolved: That wheras there is nothing more destructive to all maner of improvement than throwing doun ditches dykes and hedges, makeing foot roads and cutting of planting: Ordered that the intima<sup>o</sup>ne be issued out in the termes of the acts of Parliament made theranent, and that the penaltyes shall be rigorously exacted and applied to the repara<sup>o</sup>n of the highwayes.

Resolved: That intima<sup>o</sup>ns be issued to all paroches for loading of stones, sand and lyme for all bridges that are already built for keeping them in order, and likeways that intima<sup>o</sup>nes be made for carying stones and sand to such caulseyes and bridges wher ther is an absolute necessity of repairing or new building. And it is hereby declared that the expenses of writeing and disperseing the hail above intima<sup>o</sup>nes and all other necessary expenses anent the hail premises to be waired out by the said William Syme are to be allowed to him.

DESKFOORD, P.

#### IMPOSITION OF A ROAD RATE.

At the Head Court of the shire, held on the 16th May 1722, under the presidency of Lord Forglen, present—Lord fforflan, Glassaugh, Achoy<sup>n</sup>nany, Kynairdy, Provost Stewart, Mountblairy—the Commissioners of Supply imposed for the first time on each £100 of valued rent of the county ten shillings Scots, as allowed by act of Parliament, for repairing the highways of the county. This rate, amounting to rod. sterling, with the exception of a short interval following the troubled times of 1745, viz., from 1747 to 1750, continued to be imposed every year until the middle of the nineteenth century, and annually yielded the sum of £33 sterling. This may appear a small sum, but, coupled with the statute labour, it was until 1804, apart from private effort, all that was available for the making and maintenance of the roads and bridges within the county. The rate produced a fund from which the general overseer was paid, tools for road making and materials and skilled labour for bridge building and causewaying of bad parts of roads were purchased and hired; and the records of the county show that, though small, this road rate went far, and produced wonderful results.

#### PARISH OVERSEERS.

The first general overseer, William Syme, Senior Bailie of Banff and Sheriff Depute of the County, did not continue in office long. At

the same Head Court he gave in his resignation, and for some time no successor was appointed. In terms of the resolution of 13th October 1721, the following parish overseers, who were to give their services for nothing, were appointed on 16th May 1722 to superintend the highways in each parish:—

For the paroch of Gamrie—Laird of Troup and William Duff.

Banff and Alvah—Bachlaw,<sup>1</sup> Alexr. Bisset, and Alex. Mill.

Forglund—Geo. Robertson in Ribra.

Boyndie—  
ffordyce—} Sir James Dunbar, Glassaugh, Tillinaught<sup>2</sup> and Geo. Mackie.

Deskfoord—Drumwhindle.<sup>3</sup>

Raffan—Ranas and ffindochty.<sup>4</sup>

Bellie—Laird of Buckie.

Ordewhill—Mr. Coupland.

Marnoch, Rothymey, and Inverkethny—Ardmelly, Mr. Hamiltoun, and Glassaugh.

Grange and Keith—Edengeith, Muriefold<sup>5</sup>, Peter Gordon, Bonhall.

Pittriffnie—  
Mortlach—} Lesmurdie,<sup>6</sup> Recletch,<sup>7</sup> and Tullich.

Skirdustan—  
Boharm —} Laird of Arndille,<sup>8</sup> Anderson of Newtoun.

Inneravine—Colonel Grant and Tomnavillian.

Kirkmichall—James Grant of Ruthven.

The detached parishes of St. Fergus and Fetterangus, Straloch and part of Gartly in Aberdeenshire, are not mentioned in the above list; but for long the roads of those parts were managed by the Banffshire county authorities.

The more particular duties of these parish overseers were to convene the country people to work on the roads, and to oversee them. They were also directed to give in an account in writing of the work so done on the roads, and of the people who were deficient in coming out to perform the statute labour, so that deficiencies might be prosecuted. They were also empowered to procure the tools necessary for such work as was being carried on.

From the minute of meeting of the Commissioners of Supply of 2nd May 1723, when there were present My Lord fforghlen, Troup yor., Kinairdy, Auchoynany, Edengeith yor., Lesmurdy, Provost Stuart, Tulloch, Montblery—a glimpse is got of the indefiniteness of the lines

<sup>1</sup> William Ogilvie. <sup>2</sup> Archibald Dunbar. <sup>3</sup> John Gordon. <sup>4</sup> John Ord. <sup>5</sup> Thomas Innes.

<sup>6</sup> Alex. Stewart. <sup>7</sup> Robert Cumming. <sup>8</sup> Thomas Grant.

of roads leading through the county. It is therein stated that they appoint the reeve heretors to stop the byways leading through their lands that travellers may keep the public roads, and appoint them to give in lists of the transgressors that go by the sd byways that they may be prosecuted. At this meeting the Collector was ordered to disburse the first highway money specifically voted for roads, and the honour belongs to Auchoynany (Thomas Grant, the patron of James Fergusson, the astronomer), who was repaid £4 12s. Scots very profitably laid out by him for repairing the highways in the paroch of Boharm.

It is not to be inferred from the resignation of the general overseer and the appointment of parish overseers that the system of road making in the county was of a parochial nature. The Justices and Commissioners of Supply had a well defined policy of road and bridge building and maintenance; and the lines of roads authorised had a very definite relation to the needs of the population of the county. Naturally the roads in the lower end of the county, which was more populous than the upper end, received more attention at first. The following minute is the first one that deals with the particular lines of road that were required by the authorities to be made out and maintained by statute labour; and these roads, though not in the exact lines, remain to the present day main thoroughfares in the county.

#### MAIN LINES OF ROAD TO BE MADE OUT.

SEDERUNT of the Justices of the Peace and Commissioners of Supply mett at Banff the Twenty fourth day of September Iajvij<sup>c</sup> and twenty three: Present — Glassaugh, Kinnairdie, Kempcairne, the Provost of Banff, and William Duff — Glassaugh, preses.

The sd Commissioners and Justices present appoint that the roads leading from Banff to Keith and from Keith to Portsoy be the first repaired by the parishes thorrew which they pass; and that the hereters and overseers of the roads wtin the said parishes doe against the head court day of the shyre, being ffriday the ffourth of October next, bring in a list of such bridges and caussies as will be necessary for the said roads wt ane estimate what will be the charge yrof: and that the road from Newtoun of Park joyning the sd highway from Keith to Banff may be at the same tyme repaired, and in the meantime that the overseers direct the leading of sand and stones necessary for the sds bridges and cassways. The next thing the Justices appoynt that the

most convenient road from Marnon Kirk to Banff be repaired in the same manner; and whereas there is some dispute which may be the best and nearest way, the Commissioners present doe recomend to Sir James Gordon of Park, William Duff of Tulloch, the Provost of Banff, and Baillie Syme, wt the heretors in the sd parishes, to determine the way the sd road is to be made in. The Third road they appoynt to be repaired is that road from Cullen to Banff by Portsoy Durn and Smiddyboyne; and that the parish of ffordyce doe immediately sett about leading of stones necessary for a bridge on the Burn of Durn at Burnsyde and for a bridge at Smiddyboyn, as also for calsey at the pass a little below the house of Durn; and in the meantyme that George Mackie shall be payed what charges he is at in keeping the bridges of Scotsmilne and Boyndie in repair. Quarto—That the road from Newpark to Portsoy be repaired by the people of the parish of ffordyce so farr as goes throw the sd parish. The Justices do recommend to Thomas Donaldsone that he will take the trouble of being one of the oversiers for repairing the highwayes in the parish of Aberchirder. They also recomend to all oversiers of the roads that they keep ane exact list of what people are warned in for each road, and who are deficient, that they may be ffyned for themselves and horses as the law directs, to witt, that the said oversiers shall poynd those deficientes so farr as the law allows.

It is appoynted that when the gentlemen who consider on the road from Marnoch Kirk to Banff may at the same time consider what is the properest way from Marnoch Kirk to Portsoy, both by Newtoun of Park and thorrew Petterdenn.

ALEX. ABERCROMBIE, I.P.C.

#### THE ROAD FROM BANFF TO MARNOCH KIRK, ETC.

At the next meeting of Commissioners of Supply held at Banff on 4th October 1723, under the presidency of Bracco: Present—Bracco, Rothiemay, Glassaugh, Kempkairn, Ballnoon, Tillienaught, the Provost of Banff—the line of road from Banff to Marnoch Kirk was fixed.

The minister of Marnoch was reminded in connexion with his account for repairing the bridge upon the Burn of Auchintoul, that he could charge only the prime cost of the necessary lime at the kiln, because under the statute labour acts the country people were bound to cart it to the work.



The said day, in consequence of the last sederunt appointing a quorum of the Comrs. to visit the road leading to Marnoch Kirk, and report to this meeting which is the most convenient road to be repaired, Sir James Dunbar and Capt. Alexr. Abercromby reported to the meeting that they had visited the said road wt Sir James Gordon, Kinairdie, and John Hamilton, and declaired that the only proper best and nearest road to be repaired from Banff to Marnoch Kirk is the road that goes the calsey of Corsky and the Miln of Auchintoul, and the Commissrs appointed that road to be accordingly repaired. And they name and appoint Peter Gordon of Ardmelly to be also one of the overseers for repairing the sd road and the other roads in Marnoch parish; and they appointed in case of difference among the overseers that the determination of two of them shall over-rule and be obeyed by the other overseer and the county people. The said Commissioners appoint John Abernethy of Meyan and the sd John Hamilton to be sole overseers for repairing the roads from Marnoch Kirk to the Bridge of Millegen, and particularly that road from Tillydown through the Quoir; and they appoint the sds John Abernethy and John Hamilton and Thomas Innes in Bracco overseer for the parish of Grange to be joynt overseers for repairing the Bridge of Millegin, and they appoint them to start and call in horses for leading lyme sand and stones and other materials for building and repairing the sd Bridge of Millegen; and the Comrs are to refund and pay the pryce of the lyme and timber and the masons wages, that shal be employed by the sd overseers to build the sd bridge out of the money stented on the shyre for repairing highways and bridges.

The sds Comrs appoint the overseers of the parish of ffordyce forthwith to sett about repairing the road that leads from Banff to Keith, so far as its wtin the sd parish, untill it joyn wt the parish of Grange, and to report their dilligence to the next meeting under the pain of being prosecute for negligence.

There being a petition from the minister of Marnoch for repaying him the charges of repairing the bridge upon the Burn of Auchintoul conform his acntt given in, they fynd that the lyme should only be charged at the prime coast at the killns, in respect the country people are oblidge to carry it, and they allow no wages to barrowmen above

the rate of two pecks of meal and twelve shilling Scots in the week; and they desyre Rothemay and Meyan, wt any one or more of the heriters of Marnoch parish, to inspect the sd bridge, and if they find it sufficient appoint them to give Mr. Chalmers a precept on the Collr of the Supply for the sum contained in his acntt, wt the deductions anent, and what other deductions they judge reasonable, when they inspect the work; and they recommend to the overseers of the roads in Marnoch parish to load sand and heather, and carry on the road from the Petterden to Marnoch Kirk as far as necessar, untill it be sufficient so as it may be passable in winter. WILLIAM DUFF.

At this time Baillie Syme, the old overseer, had fallen under a cloud. The Commissioners of Supply at their meeting on 7th May 1724: Present—Sir James Gordon, Bracco, Rothiemay, Kinnardie, Rannes, farskane, Edengight, Knockorth, Mountblearie, Tulloch (Wm. Duff)—Bracco preses, after imposing the highway money, ordain Baillie Syme to have the tools, which was bought for the shyres use in his hands, against that time [28th of this said month], in order the Committee [Sir James Gordon, Bracco, the Provost of Banff, and William Duff of Tulloch] may give them out to the overseers of the highways as they shall find convenient upon receipt.

The Commissioners of Supply on 2nd October 1724: Present—Sir James Gordon of Park, Bracco, Rothiemay, Achynonie, Troup, Tullich, Lesmurdie, and Kinnardie—Bracco preses, appoynt Sir James Gordon and Bracco to be joynt oversiers for repairing the highwayes in the parishes of Banff, ffordyce, Boyndie, and Ordiewhill.

Though there was some activity on the part of the county gentlemen in bridge building, the system of road management by gratuitous parish overseers soon broke down.

SEDERUNT of the Commissioners of Supply mett at Banff the seventh of May Iajvij<sup>c</sup> and twenty five years: Present—Bracco, Achoynanie, Rannes, Monblairie, Kinnardie, the Provost of Banff, Tullich, Lesmurdie, Edengeith—Bracco preses, Sr. Ja: Dunbar.

Thereafter Mr. Archibald Ogilvie of Rothiemay, haveing now in terms of his former application and the Commissioners appointment





*William Duff, Lord Braco and 1<sup>st</sup> Earl of Fife.*

BY ALLAN RAMSAY

given in ane estimate of the charges for building ane bridge upon the Burn of Millegen leading from Rothiemay to Bracco, extending to one hundred eighty nyne pounds, they find the sd bridge will be very necessar, and appoint their Collector to pay in the sd sum to Thomas Innes in Maynes of Bracco upon his recept yrfore for carying on the sd work.

There being ane petition given in by Lesmurdie craveing they might appoint a sum proper person in the head of shyre for building a bridge on ye Blackwatter; and another by Edengeith for a bridge upon the burn of Bracco: They recommend to these gentlemen to make ane estimate of the charges for building the sd bridges, and report the same to the Commissioners att their next generall meeting. . . .

Considering that the repairing the highways is neglected by the overseers who were named because they cannot give such attendance as is requisite: They therefore recommend to these gentlemen who were named in each parish to appoint such persons under them for overseeing and carrying on the work as they shall think most fitt, and to promise them in the Commissioners' names that they shall be reasonable rewarded for yr pains.

They likeways having considered a petition given in by Charles Hay of Rannes for himself and in name of the other heretors of Rathven parish craveing that there Collector might be appointed to advance such money as will be necessar for building a bridge on ffoord Danett [? Tynett], and another by Kinnardie for a bridge on the burn of Kinnardie leading to Marnoch Kirk: They find these bridges necessar, and ordains Rannes and Kinnairdie to give in estimates of the charges to the next meeting.

Monblaire haveing given in a petition in name of George ffordyce, late Provost of Aberdeen, craveing the Commrs might appoint a sum to be payed by yr Collector for building a bridge upon the watter of Ugie, they superceed giving any answer to it till the tenth of June next.

Achoynanie represented to the meeting that the Bridge of Keith which is upon the publick road wants very much to be repaired; they recommend to him to make ane estimate of what the charge of reparation will amount to, and give it in to the Commrs at their next meeting.

WILLIAM DUFF.

## APPOINTMENT OF A GENERAL OVERSEER.

At a meeting of Justices of Peace held at Banff on 26 Oct. 1725:

Present—The Earl of findlater, Bracco, Glassaugh, Achoynanie, Edengeith, Tullich, Recletich, Kinardie, Kempcairn—My Lord findlater preses.

The Justices, after dismissing an excise prosecution under the Malt Tax laws, considered a petition from the heretors and tennants of ffefferangus for a sum to build a bridge over the Ugie. A committee, consisting of Bracco, Glassaugh, Troup, was appointed to see if it was necessary; and to see if Aberdeen would contribute a share of the cost.

Lesmurdie reported an estimate for building a timber bridge on the Blackwater; and an advance of one hundred pounds Scots for buying materials was authorised.

Eighty pounds Scots were voted to Sir James Dunbar of Durn for materials for a bridge upon the Burn of Durn, to be laid out at the sight of yr oversier and George Mackie.

Forty pounds Scots were voted to Ardoch for repairs to the bridge near the Kirk of Deskford, to be expended at the sight of Drumwhindle, Wm Ord, and yr oversier.

One hundred merks were voted to Mr. Chalmers, Minister of Marnoch, for building a bridge on the Burn of Kinardy at the sight of Kinardie and yr oversier.

Collennell James Innes haveing given in ane account of fourty five days that he has attended by the Commrs order for repairing the [roads] within the shyre, they appoint their Collector to pay to him for his pains and trouble fourty shillings Scots for each of the said fourty-five dayes extending to nynety pounds. The minutes of the following year show his appointment as general overseer under the designation of Capt. James Innes.

## RESISTANCE TO STATUTE LABOUR.

At a meeting of the Commissioners of Supply of the Sherriffdom of Banff held on 5th May 1726: Present—Sir James Gordon of Park, Bracco, Rothiemay, Carnousie, Rannes, Crombie, The Provost of Banff, Monblairie, Ardmeallie, and Edengeith — Bracco preses — £26 5s. 4d. Scots were voted to Sir James Gordon of Park for

casswaying the road from Culphin to Newtoun of Park. Further procedure took place regarding the Bridge on the Ugie, St. Fergus.

But the great defect of the system was not so much the machinery of overseers, etc., as the persistent active and passive resistance of the inhabitants to forced or statute labour. This is a very outstanding fact in the Road Management of Banffshire, and for that matter of Scotland generally, until the beginning of the 19th century, and is seen in many pages of the County Minutes.

At a meeting held on 30th of September 1726 years: Sederunt of the Commissioners of Supply: Present—Sir James Gordon of Park, Sir Ja. Dunbar of Durn, Bracco, Rothiemay, Glassaugh, Meyan, Troup, ffarskan, and Kirkhill, Bracco being chosen preses to the meeting.

The Commissioners considered an execu<sup>n</sup> and complaint given in by yr oversier agt the inhabitants of Portsoy and oysrs contd in the execu<sup>n</sup> for their contempt, and neglecting to give due attendance to the reparation of the highways, after intimations were duely issued out and read at the severall Parish Churches wherein they live, giving previous advertisement to them of the dayes they should attend. The Commrs adjourn the consideration of the same till this day seven night, and dispense wt the personall presence of those who have attended this day, and are marked p<sup>n</sup>t in the execution. The rest they appoint to attend that day; and they appoint their oversier betwixt and the sd day to cite before [them] the haill persons wtin the shyre, who have been deficient from the highwayes since the 28th of May last; and the Commrs furdre appoint the oversier betwixt and the first of Jany next to get authentic lists of the inhabitants of each parish from the rexive session clerks, and to mark upon the said lists, when, where, and by whom the six dayes work appointed by law is performed, and to lay the sd lists before the Commrs.

The Commrs ordered that a stone bridge should be built upon the Burn of ffortrie, under the direction of Edingight, Thomas Innes in Bracco and yr overseer, instead of a timber one formerly authorised.

The said day Captain James Innes haveing [given] in ane account of the dayes he has attended in oversieing the highways, being fifty six dayes since the last time he was payed for that trouble, the Commrs find the same at the rate of fourty shillings Scots p. diem to the sum of one hundred and twelve pound Scots, which they appoint their

Collr to pay him in compleat payt of all his bygone trouble in oversieing sd highways.

AT a meeting of the Commissioners of Supply on the 7th of October 1726: Present—Sir James Gordon, Sir Ja. Dunbar, Bracco, Mr. Dunbar, yor of Durn, and the Provost of Banff—Bracco preses.

The said day Mr. Innes, oversier, appointed for oversieing the highways in the shyre, in obedience to the last appointment of the Commrs at yr last meeting gave in a second execution agt all those who have been deficient in giveing attendance to the reparation of the highways, and craved the Commissioners might take the same under their consideration, and which execution presently given in, wt the execution lykewayes agt those who were cited in the last dyet and ffailed to compear, being both called, the sc̄all persons were found to have been absent, as marked upon a particular paper apart signed by the preses; and the sd Commrs haveing duely considered the complaint given agt the sds deficient, they fine & amerciate each of the persons contained in the sd list subscribed by the preses in eighteen shilling Scots in terms of the act of Parliament, and that for yr deficiency and contemning the aūt̄tie of the Commrs in not compearing, and they ordain their readiest moveales may be poinded, untill paytt be made by each of ym of their rexive ffines, and for that end grant warrand to any of the Justices of Peace, Constables, and any Justice of Peace, or Sherriff officier to putt the forsd sentence to due executn, in terms of the act of Parliatt, by poynding ye fornamed persons moveals to the avail of their fines: and the sd persons contained in the sds executns, who have either this or last dyet attended the court, they fine each of them in eighteen shilling Scots for their bypast neglect, but they superceed the executn or poynding them for the sds fines, till such tyme they are absent or refuse the giveing due attendance to the reparation of the highways for the ffuture; and immēdiately after any such contempt in time comeing they appoynt the fines of each of those who shall happen so to be absent, after intimations are duely issued by yr oversier for that effect, to be executed and aplied in the manner as prescribed; and they appoint the sds fines to be lodged in ther Clerks hands till yr funder orders, and the constables and officers to be payed for their trouble at the sight of Bracco.



AT a meeting of the Commissioners of Supply at Banff on the 20th day of October 1726: Present—Sr Ja. Abercromby, Durn, Bracco, Glassaugh, Rothiemay, Rannes, Buckie, Bracco being chosen preses.

The Commrs appoint Ja. Emslie, quarier, to be payed whats due to him for repairing the highways, as Durn and Glassaugh shall certifie. And they lykewayes appoint their Collr to pay what remains due to the workmen for the cassie of Ternemny, as James Innes yr oversier shall draw precept on him therefore, which is to [be] the Collrs warrant. And it being represented that there is a cassie wanting at Milntoun of Rothiemay, the Commrs appoint their Collr to pay what may be necessary for that work upon Rothiemay and yr oversier precept. As lykewayes that their oversier and George Mackie and Jo. Miln at Boyndie shall give immediate orders for secureing and cassieing the Bridge at Boyndie, and that the charges yrof be payed upon their precept. They further appoynt their sd oversier, Jo. Gordon of Drumquhindle, Wal. Ogilvie of Ardoch, Thos. Innes, Muryfold, Jo. Innes of Edengeith, and Wm. Ord in Kirkton of Deskfoord, or any three of them, to call workmen and make ane estimate of ane bridge to be built at the three burn meetings in the head of Deskfoord; and they recommend to the oversier, the lairds of Buckie, Elder and Younger, Letterfourie and Rannes to view the Burn of Buckie, and make ane estimate of the charge it will be to make a sufficient stone bridge on the Burn of Buckie, and to lay the same before the Commrs at yr next meeting.

WILLIAM DUFF, P.

AT a meeting of the Commissioners of Supply held on 6th June 1727: Present—Rannes, Ardmealie, the Provost of Banff, Balnoon, and Edengeith, and Wm. Duff, Rannes preses.

A representation on behalf of the magistrates of Cullen that the meeting consider an estimate of four hundred and twenty-one pounds Scots for a bridge on the Burn of Cullen was continued.

At the same meeting Balnoon, Ardmelie, Bognie, and Dauch were asked to report on a brigg upon the Burn of Inverkeithny, and the place most suitable for it.

The Commissioners doe likewayes continue Captain Innes to be their oversier, and to be payd out of the highway money remaining in the Collrs. hands for what trouble he may be at; and recommend to him to call out the country people, and continue to repair such of the roads in the shyre as he sees necessar.

CHA. HAY, P.

CHARLES AND ANDREW HAY OF RANNAS.

Charles Hay of Rannas, eldest son of James Hay of Rannas,<sup>1</sup> was born in 1688. The Sasines of Banffshire show that, on 26th May 1696, James Hay of Ranas got saising in lyfrent, and Charles Hay his sone in fie, of Woodsyde, Carnach and Scotstoun, Westersyde, Longshade, Lonhead, Rathven and sēall touns lands and white fishings, Muldavid, Darbreich and Echries, and office of baillie of the said lands and patronage of Rathven and pertinents. Saising was given ult May 1697 to Margaret Gordon, Ladie Ranas, of six chalders of victual yearly, during her lyftyme, out of the lands of Lonhead, Conlesland, Myriecrook and Longshead in Rathven parish, upon a right to her by John Hay of Ranas. That same year he married Helen, daughter of Dr. Andrew Fraser, Inverness; and on 8th August there is recorded a sasine in favour of Hellen Frazer, Lady Rannas, securing a marriage provision.

On 15th January 1710, James Hay, his father, was still alive, because that day he got sasine of the lands of Scotstoun and Carnoch. Charles Hay succeeded in 1710; for on 4th August 1710, sasine was given him upon ane precept of clare constat by James Earl of Seafeld, the superior of the lands of Scotstoun and Carnoch in Rathven, in his favour. In other words, he was then served heir to his father in these lands. On 25th September 1712, in virtue of a precept of clare constat by Alexander Marquis of Huntly, Charles Hay was infeft in the lands of Darbreich in the barony of Muldavet, regality of Huntly, parish of Rathven. Neither his nor his father's names occur in the early sederunts of the county meetings between 1696 and 1726. In 1715, he and some other lairds in Rathven, with the populace, frustrated the induction of Mr. Gordon, a supporter of Revolution principles, as minister of Rathven. He was out in the Fifteen. His cousin, Hay, younger of Arnbath (Fordyce), whose father occasionally attended the county meetings prior to 1715, was also

<sup>1</sup> See pp 30-1.

out in the Fifteen; and was taken prisoner on 24th October 1715 at the skirmish at Dunfermline. The Sasines of Banffshire show these other entries regarding Rannas:—4th Oct. 1718, Renunciation granted by James Hay in the Raphen, only law<sup>l</sup> son to the deceast James Hay of Inchgarvie in favour of Charles Hay of Rannas upon all and haill the toun and lands of Conage with ane piece of land called the muir aikers, with the milns of Raphen old and new. On 14th January 1719 James Cock, Town Clerk of Banff, renounced to Charles Hay the two oxgate lands of Carnoch in Rathven. On the 24th October 1720 his relative, John Hay of Muldavit, resigned in favour of Rannas as superior, the lands of Tarbreich, Rathven. On 20th October 1721 his relative, John Hay of Echries, resigned in favour of Rannas an annual rent of one hundred and two pounds Scots out of the lands of Rannachie, Rathven. He died c. 1752.

Rannas' son, Andrew Hay, younger, was born in 1713, and died in 1789. The Banffshire Sasines show that on 10th July 1733 Andrew Hay, yr. of Rannas, took sasine on the estate of Rannas on a crown charter which reserved the liferents of his father, Charles, and of his mother. He attended a county meeting on 1st June 1742, and it is minuted that at that meeting he took the oath of allegiance to King George. He joined Prince Charlie in Forty-five according to his own statement in the month of October. After Culloden we find him petitioning the King for the Royal clemency. The Earl of Findlater and Seafield, writing from Cullen House on 4th November 1747, informs the Lord Justice Clerk that "Young Ranas escaped very narrowly from one of the houses that were searched." The estate of Rannas was ultimately acquired by the Earls of Findlater and Seafield. The Leith-Hays of Leith-hall, Aberdeenshire, now represent the Hays of Rannas through Mary Hay, daughter of Charles Hay of Rannas, and sister of this Andrew Hay, the last Hay to possess Rannas.

#### CAPTAIN JAMES INNES, GENERAL OVERSEER.

At a meeting of the Commissioners of Supply held on 20th July 1727: Present—Bracco, Coll. Grant, Kinnardy, the Provost of Banff and Tullich—Bracco preses—Captain James Innes, yr., general overseer, was allowed a salary of one hundred pounds Scots per annum. We have seen that the general overseer had been serving the county as such since 1725. He is also designated in the minutes as "Coll Innes." Captain Innes, like the Clerk and Collector, was of the Edingight family. He served the county as general overseer of roads until 1745, and during that long period his services were variously appreciated.

At a meeting held on the 4th July 1728: Present—The Laird of Troup, the Provost of Banff, Kinminity, Ardmeally, Achoynonie, Newtoun, Knockorth, Northfield, and Edengeith—Troup, and later Achoynonie, as Troup was necessary withdrawn, preses.

Coll. Innes was continued overseer for the year; and the Collector was directed to pay Ardmeallie ten pounds for defraying the cost of a bridge on the Burn of Crombie.

#### ALEXANDER GARDEN, ELDER, OF TROUP.

Alexander Garden<sup>1</sup> of Troup, sometimes designated Troup Elder, was succeeded c. 1733 by his son Alexander, often designated in the minutes Troup younger. He was a staunch supporter of the Revolution Settlement, and on 15th October 1702, took the oath of allegiance to Queen Anne. Before that date and after, he was assiduous in his attention to county business, and he presided at several of the county meetings, as on 9th December 1714. His known loyalty to the Hanoverian succession was such that, during the rising of the Fifteen, he was appointed a Deputy Lieutenant; and on its suppression he was called on to preside at the first meeting of Commissioners of Supply held on 6th March 1716. That meeting recommended to Alexr. Gairdine, elder and younger of Troup, and Alexr. Abercrombie off Glassaugh, to prepair and draw up ane congratularie address to His Majestye King George suitable to the present happy juncture and postur off affaires. In 1720 he founded the village of Gardenstown. He presided at a meeting of the Commissioners of Supply on the 4th day of July 1728, and his signature of the minute that day, "Alexr. Gairdne," seems that of an old man compared with his writing in 1702, 1714, and 1716.

#### WILLIAM DUFF OF CROMBIE.

At a meeting held on the 6th of August 1728: Present—Crombie, Ardmeallie, the Provost of Banff and Tillienought—Crombie preses. Twenty pounds sterling were voted for the Bridge of Cullen before referred to, the same being considered a necessary work as being upon a public highway.

William Duff<sup>2</sup> of Crombie, Marnoch, born in 1706, was grandson of William Duff, Provost of Inverness, brother of Alexander Duff of Keithmore. His father, James, married Jean Meldrum, heiress of

<sup>1</sup> See page 31.

<sup>2</sup> "The Book of the Duffs," by A. & H Tayler, pp. 414-420.

Crombie, who died in 1709 and 1725 respectively. Crombie's sister, Mary Duff, was wife of Ardmeallie. He studied law, and was appointed Sheriff Depute first of Banffshire, and in 1748 of Ayrshire. He died in 1781.

## BRIDGE BUILDING.

At a meeting held on 15th November 1728: Present—Bracco, Ardmeallie, and Knockorth, Bracco, preses—the bridge at Inverkeithny before referred to was authorised as a necessary work.

At a meeting of Commissioners of Supply held on 6th June 1729: Present—Bracco, Achoynonie, Kinminity, Lesmurdie, elder and yr., Ardmeallie, the Provost of Banff, Tullich, Knockorth, Newtown, Northfield, and Edengeith—Bracco preses.

The highway money imposed. Five pounds sterling more were given to Balnoon to carry out the bridge at Inverkeithny. If more were required he was invited to renew his application. They appoint the Lairds of Carnousie, Pittendrich, Netherdales, Kinnairdy, and Turtries, together with the whole parish of Inverkeithney, to transport the materials, stone, lime, and timber, for the compleating of the sd. bridge; and Auchingoul and Balnoon were authorised to oversee the work.

Another hundred pounds Scots were voted to Lesmurdy to complete the bridge at Blackwater. He was ordered also to repair the causay from Balvenie to Glenlivet. This is the first reference to any highway south of Keith and Boharm.

The meeting authorised the Collector to advance to Mr. Rob. Duff, minister of Aberlour, any sum not exceeding five pound ster. for repairing the Bridge of Aberlour; and to Pat Gordon of Aberlour any sum not exceeding thirty pounds Scots for making a causie and bullwark for keeping Spey of the road near to Aberlour and for building a small bridge there.

A petition for a bridge on the Boyne below Culphine was remitted to Edengeith and Tho. Innes, with instructions to view the said burn and to consider what is to be the properest place for building the sd. bridge, so as to have it as near to the highway as possible, and to give an estimate of the charge; and the meeting ordained the building of the same.

The meeting advanced twenty-seven pounds Scots to Sir Al. Reid of Barra to repair the Bridge of Forglen.

Eight pounds were advanced to Al. Duff of Hatton for building half of the Bridge of Boynsmiln, the other half being paid by Aberdeenshire.

Captain Innes was continued overseer at a salary of one hundred pounds Scots; and the meeting recommend to him notice the highways and cassies allenary, and to be diligent, and to call out the countrey people as the law directs; and that the sd. oversier is to take no concern wt. bridges.

The Commissioners ordained the following roads to be repaired:—

First: The road betwixt Banff and Keith and upwards—the words “and upwards” being interlined in the minute, indicating, it may be, that the roads south of Keith were rather unimportant. Second: the road from Banff to Strathboggie. They further ordered the pointing of those deficient in performing the statute labour.

#### THE GORDONS OF ABERLOUR.

Patrick Gordon, younger of Aberlour, was a Letterfourie Gordon, a Roman Catholic, and a Jacobite. Young Aberlour actively engaged in the rising of the Fifteen. He was taken prisoner at Dunfermline on 24th September 1715, by a detachment of Colonel Cathcart's troops along with Mr. Hay, son of Arnbath. He succeeded his father, John, c. 1732. In the old House of Aberlour was found the following letter addressed to the then Laird of Aberlour by the Young Chevalier from Dalnacardoch in August 1745:—“My Dear Gordon,—I am to be at \_\_\_\_\_, and trust to see you there, with as many men as you can raise to rally round the Royal Standard.—I am your faithfully, CHARLES E. STEWART.” Like father like son. The laird kept out of the rising and the heir apparent went in. Patrick's son James responded to the call, and was out in the Forty-five.<sup>1</sup>

Sir Alexander Reid of Barra was member of Parliament for the Elgin Burghs from 1710 to 1713. About this time, 1728, he married the widow of Lord Forglen, and was infeft in the lands of Forglen. Hence his interest in the Bridge of Ribra.

At a meeting of the Commissioners of Supply held on 31st Octr. 1729: Present—Bracco, Rothiemay, Glassa, the Provost of Banff, and Ardmellie, Tillienauight, Bracco preses. Crombie and Bognie also present.

<sup>1</sup> On 7th May 1746 it is recorded of him that “he has been in the country since Culloden battle, but lurking.”

The state of the bridge at Cullen was again considered, and ten pounds more were ordered to be advanced for the building of the same.

The same day the Commissioners find it necessary that a bridge be built on the Burn of Boyndie at the place commonly called Ladys Bridge, and vote ten pounds sterling money to George Mackie, ffactor to My Lord Deskfoord, for building of the sd. bridge.

Five pounds sterling more were the same day voted for the bridge at Inverkeithny.

Sd day, application being made by Generall Gordon and the oyr heritors of Aberchirder for a new bridge over the Burn of Achintoul, the Commrs. recommend to Generall Gordon, Bognie, Crombie and Ardmeallie, or any two of them, to consider what the charge of that bridge may be, to converse wt. workmen yranent, and to make out ane estimate of the same and to report to next meeting.

WILLIAM DUFF, P.

AT a meeting of Commissioners of Supply held on 9th June 1730 :

Present—Bracco, Crombie, the Provost of Banff, Knockorth, Glassaugh—Bracco preses.

The Commissioners continue Captain Innes as yr oversier, and allow him a hundred pound Scots for this years sallary upon this condition, that if the sd oversier is not geiving due attendance, that either he or Knockorth, who takes burden for him, shall ffurnish a sufficient man in his place, for oversieeing the reparation; and they recomend that their oversier be more diligent than fformely.

The meeting allow to Aberlour fifty-two pounds Scots, in addition to the ninety pounds Scots formerly allowed, for the bridge and causey built by him and Mr. Robert Duff, on his lodging receipts.

Edengeith and Thos. Innes made a report anent the Bridge of Boyne, signifying that they and Mr. Arthur Gordon of Law had agreed upon a proper place near to the highway twixt Banff and Keith for building the sd bridge, being at the ffoord as it passes twixt Culphine and Newmiln of Boyne, at the end of the                      of Badenspink; and the Commrs. appoynt the sds. Edengight, Sir Ja. Dunbar, Thos. Innes, Law and Tillienaught, or any three of ym, to make out ane estimate and ane agreement yranent, and to report to next meeting.

The heritors of Aberchirder gave in a report and estimate of the

charges that would be required for the bridge over the Burn of Achintoul, with a scheme of the sd. bridge. The Commissioners recomend to the sd. Gentlemen to agree wt. workmen and cary on the sd. work, and appoynt their Collr. to pay to Generall Gordon or Ardmeallie upon their receipt the sum of twenty ffive pound sterling in course.

Crombie haveing represented that there were parts of the road twixt Auchintoul and Aberchirder in severall places impassable for want of causieing, the Commrs. recommend to Crombie to cause make out ane estimate of the charge, agree wt. workmen, and report to next meeting.

#### BRACCO NAMED CONVENER.

The Commrs. resolve and enact that in tyme comeing it shall not be in ye power of any two or three or more Commissioners to draw precepts on the Collr. for the highway money in tyme comeing, unless the same be done by the Commrs. at a generall meeting regularly called, and they discharge the Collr. ffrom answering any precepts that shall be oyrwayes, but prejudice alwayes of former warrands, which he is empowered to pay as formerly directed. And they name Bracco for yr Convener.

At a meeting of Quarter Sessions held on 4th August 1730, which was subsequently turned into a meeting of Commissioners of Supply, under the presidency of Achoynonie: Present—Achoynonie, Tillienought, Glassa, Muirfold, Edengight and ye Provost of Banff.

Glengerack gave in a petition wt. ane estimate for haveing a bridge upon the Burn of Glengerack, as being a very necessary work. In view of the resolution of last meeting, this work was recommended to next general meeting as a necessary one.

#### THOMAS GRANT OF ARNDILLY.

Thomas Grant, or as he signs the minutes of such county meetings as he presided over, "Grantt," appears as laird of Achoynonie in 1710. The estate of Achoynonie, in the parish of Keith, previously belonged to a branch of the Gordon family. In 1667 John Gordon was laird; and in the sederunts of the county meetings of 1697-8 the name of Alexander Gordon occurs as laird. Sir Alexander Innes of Coxtoun appears to have been proprietor in 1703. In April 1710 Thomas Grant designed "of Achoynonie," in the Kirk-session register of Keith, married



Jean Sutherland, a grand-daughter of Alexander Sutherland of Kinminity, Keith. During the period embraced in this chapter he was one of the most influential gentlemen resident in the south half of the county, and performed much important work, presiding at three county meetings at least. With his Chief he supported the succession of George I.; and was present at the meeting of Commissioners of Supply on 13th August 1714, when the cess was imposed, and measures were taken to preserve the peace of the county against an apprehended rising in the Highlands. In 1715 he was appointed a Deputy-Lieutenant of the County. He acquired Achnonzie in the lifetime of his father Walter,<sup>1</sup> 2nd laird of Arndilly.<sup>2</sup> He succeeded to Arndilly on his father's decease in 1720; and, on 3rd September 1722, he took sasine on it, with the proviso that it was redeemable by the laird of Grant. The same day he took sasine on the three fifth parts of the lands of Easter Galdwall and Arndillie, and also of the dauch lands of Achmades. During the rising of the Forty-five he was again a powerful supporter in the county of the Hanoverian succession. He died on the 25th day of November 1758, and was succeeded by his son, Colonel Alexander Grant. His representatives in the female line own the estate of Arndilly at the present time.

## BRIDGE BUILDING.

Banff, 1st June 1731.—Sederunt of the Commissioners of Supply mett att Banff, vizt.:—Bracco, the Provost of Banff, Kinminity, Glassaugh, Edengight—Bracco preses.

There being a petition presented by Glassaugh, signed by Rothiemay and Mayen, with an estimate of the charge, desiring to have a bridge built over the Burn of Retanach, resolved that the same should lie over until next meeting. The Collector was instructed to make out a scheme and state of his accounts w<sup>th</sup> respect to the highway money, that they may know what funds have been raised since last clearance, and how the same has been applied; and likewise that he may be ready to lay before them the haill precepts and orders they have given for bridges and causes preceding this date, and thereafter resolve to consider how necessary the bridge p<sup>ntly</sup> applied for by the @ Gentlemen upon the Burn of Retanach may be, and to give directions accordingly. They also resolved that the overseer should give assistance with the work on bridges that are ordered to be built, so far as it does not interrupt him in the attending and repairing the roads.

<sup>1</sup> See pp. 288-9.<sup>2</sup> Sometimes written Ardalie.

Banff, May 17th 1732.—Sederunt of the Commis<sup>rs</sup>. of Supply of Banffshyre: Pnt.—Glassaugh, Edengight and the Provost of Banff—Provost Shand being chosen preses.

They recommend to the Gentlemen formerly named or any quorum of them, to contract wt. work[m]en in the most ffrugal manner they can, and give directions as soon as possible for building the bridge over the Burn of Boyne at the place already agreed upon by the former report, and ordain the Collector to give them money upon their precepts for that end.

They recomend Sir James Dunbar and Glassaugh to cause causey the piece of bad road near to the Bog Park leading to Cullen.

The accounts of James Innes, late Treasurer of Cullen, in connection with the building of the bridge over the Burn of Cullen were approved.

Banff, 2nd June 1733 years.—Meeting of the Comm<sup>rs</sup>. of Supply of Banffshyre: Present — Bracco, Achoynonie elder and yor., Kinnairdy, Melross, Glassaugh and Edengight—Bracco preses chosen.

The Commissioners takeing to consideration the bridge applyed for upon the Burn of Drum, they in place of a timber bridge appoynt a stone bridge or arch on sd. burn, and allow ffive pound sterling for that work, to be payed to Achoynonie and Thomas Innes, and laid out at yr. direction.

As to the bridge of Glengerack, they recomend in the meantyme to Glengerack to provide materials, and that he may give to the Commrs. at the Michaelmas Court ane estimat of the whole charge the bridge may cost, that the same may be ordered at next meeting.

At this meeting there were considered applications for bridges at Burnend of Carnousie and on the Burn of Pathhead, and estimates were asked for next meeting. Kinnairdy applied for a stone instead of a wooden bridge over the Burn of Kinnairdy, and he was requested to give in an estimate of the same.

The proposed bridge over the Boyne being neglected, a new committee, consisting of Glassaugh and Edengight, was appointed with the assistance of the oversier to agree wt. workmen, and cause cary on the work and to draw on the Collr.

Banff, 3rd June 1734 years: Present—Bracco, Glengerack, Meyan, Kinnairdy, Birkenboig yor., Glassaugh, Tillienought, Ardmeallie, Edengight, the Provost of Banff—Bracco preses.

The Commissioners of Supply direct the Collector to pay ninety-nine pounds to Kinnardry for the bridge built by him over the Burn of Kinnardry.

Achoynonie, Edengight and Muryfauld having reported favourably on the proposed bridge over the Burn of Glengerack, the Commissioners find it to be a necessary work, and recomend to Glengerack to agree wt. workmen to build sd. bridge, allow ffifteen pound sterling to be paid to Glengerack for building sd. bridge, to witt one-third at commencement of the work, anōyr third when its half done, and the last moyety when its ffinished, but prejudice nevertheless to former orders on the Collector.

At this meeting the Bridge of Boyne was ordered to be built wtout lose of tyme; and the Bridge of Boyndie was ordered to be repaired.

The Commrs. appoynt that yr oversier in the first place make out the road of the Knockhill, and yrafter that he clean and repair the road twixt Banff and Cullen.

#### THE GORDONS OF GLENGERACK.

“Glengerack” was Alexander Gordon, son of Charles Gordon<sup>1</sup> and Margaret Duff, daughter of Alexander of Bracco. The father, Charles, who succeeded in 1692, took an active part in county government. He first appears in the sederunt of a County Meeting held at Cullen on the last day of February 1699. On 5th May 1702, at a meeting of Commissioners of Supply, he took and subscribed the oaths of allegiance and assurance to Queen Anne; and his signature is that of one accustomed to write. He died in June 1712.

The Keith registers of baptisms shew that Alexander, who succeeded, was born in 1698. He was out in the Fifteen, frugally armed with a sword, which had earlier that year been consigned as a pledge by two parishioners of Keith, who were proclaimed but did not marry! On 27th January 1721, in a process before the Kirk-session of Keith regarding the space in the Parish Church effeiring to his estate, he stated that he was “but lately come to be major.” That year he married, at Inchdrewer, Helen Lauder, widow of George, 4th Lord Banff. He took an active interest in county affairs, and was active in improving the roads and bridges in his parish. The local tradition is that, in the decaying fortunes of his house, with a

<sup>1</sup> See pp. 43-44.

number of spirited young men from his native parish of Keith, he joined the King's forces abroad, and fell at Fontenoy in 1745. He is said to have been succeeded in 1745 by his brother William, who died soon thereafter. On 3rd October 1746, the only surviving brother, George, who was born in 1710, was served heir male in special to his father Charles in Glengerack; and later, on 10th November 1746, he took sasine thereon. He did not long survive. With his death, survived by three sisters, the heirs male of the marriage of Charles Gordon and Helen Duff failed, and in terms of their marriage contract, dated 15th November 1694, and recorded 29th February 1748, the succession to Glengerack fell to his other heirs male. That heir male was Charles Gordon, merchant in Brechin, who was, on 7th March 1748, served heir male, and of provision of the said marriage contract to his grand uncle, Charles Gordon of Glengerack. On 25th August 1748, the surviving sisters, viz., Margaret, Katherine and Magdaline were served heirs portioners, in the barony of Glengerack, to their brother George Gordon, who died in May or June 1747. They took sasine thereon on 5th October 1748. After a reference to arbitration of their claims to the estate personal and real of their brother George Gordon, dated 10th, 12th and 17th May 1748, in which their cousin Charles Gordon was successful, they on 18th May 1748 conveyed Glengerack to him, who had meantime, on 17th March 1748, sold the lands and barony of Glengerack to William Duff, Baron Bracco.

Banff, 12th June 1735.—Meeting of the Commissioners of Supply:

Present — Sir William Gordon of Park, William Duff of Bracco, Glengerroch, Ardmeallie, Glassaugh, Colleopard, William Duff of Whitehill, Robert Innes of Culvie, Edingight and Alexr. Innes of Whitehill—Bracco preses.

The Commissioners continue Captain James Innes as overseer of the highways, and allow him the same sallary, with this difference, that they referr to the next meeting if he shall have fifty merks more of an addition to the former sallary for his trouble.

The Commissioners haveing considered the vouchers given in by George Hay of Gavill of the money he got to expend upon the Bridges of Inverugie and Gavil, they find he has laid out the same in the way designed, and ordain Provost Fordyce obligation and his to be delivered up and cancelled.

The Commissioners order twenty punds Scots to be given Ardmeallie for the causieing on the road betwixt Crombie and Culvie, and the like sum of twenty punds Scots to be given Edingight for causieing on the worst places of the road on the Knockhill betwixt Banff and Keith.

The Commissioners at next meeting adopted a new principle in connection with the building of bridges, and resolved that whoever thereafter applied for a part of the highway money for building any bridge within the shire should be obliged to uphold the same for the space of twenty years upon their own charges.

Banff, 5th August 1735.—Meeting of Commissioners in consequence of the adjournment at last Generall Meeting: Present—Sir Robert Abercromby, Sir James Dunbar, the Provost of Banff, William Dunbar younger of Durn, Ardmealie, Glassaugh, William Gordon of Farskan, Colleopard, William Gordon of Craibstoun, Archibald Dunbar of Tillienought, James Ogilvie of Loggie, Walter Ogilvie of Badenspink—Birkenbog preses.

The saids Commissioners haveing taken under their consideration what is the proper place upon the Burn of Boyne to build a bridge, and how farr that work is necessary, they find that its very necessary to have a bridge on the said burn, and that the proper place of building the same is at the ffoord below the house of Tillienought, being the common highway, att which place they ordain the same to be built; and they appoint and recomend to Sir James Dunbar, Tillienought, Walter Ogilvie of Badenspink and Peter Lorimer, ffactor to the Earl of ffindlater, or any two of them, to contract with workmen for building the said bridge, and give all necessar directions thereanent; and, as it will be a very large bridge as appears by a plan of it, they impower the said gentlemen to contract to the extent of thirty pounds sterling for compleating the bridge, caussies, and everything necessary about it, but for no higher sum; . . . and they recomend to the said gentlemen to bind the meason for upholding his work for a certain number of years as they shall see convenient, that the work may be made sufficient.

The Commissioners authorised the building of a bridge upon the Burn of Glassaugh at the foord of Clayland, being the highway betwixt Banff and Cullen, under the direction of James Abercromby of Glassaugh, who undertook to uphold the same for twenty years, and of Sir Robert Abercromby and Sir James Dunbar.

The Commissioners find it very necessary to have a caussy made out in the moss of Whitehouse as the common road leads to Cullen, and vote forty shillings to Sir Robert Abercrombie for the work.

In the sederunt of Commissioners of Supply held on 3rd October 1735, we have the first appearance of the Laird of Bracco's new title. He had been raised to the Irish peerage on 28th July 1735 as Baron Braco, and though his title is written "Bracco" in this sederunt, he invariably signed the minutes of the meetings he presided over "Braco."

That day Captain James Innes, the overseer, allowed fifty merks Scots additional sallary for the year only, the increase not to be considered a precedent.

Glengarroch reported that the bridge over the Burn of Glengarroch was finished at an outlay of five pounds more than the fifteen pounds formerly voted him. The extra five pounds were voted him.

The Commissioners ordain twenty-three pounds Scots to be paid to Thomas Innes of Muirymould for the causeway already made out by him at Nethermiln.

Banff, 4th June 1736.—

Captain Innes continued overseer at the same salary as he had last year, viz., two hundred merks Scots.

The meeting authorised the building of a bridge over the Burn of Retanach, being on a public road, and allowed James Ogilvie of Rothiemay any sum not exceeding ten pounds sterling to carry on the work, which was placed under the direction of Rothiemay and Ardmeallie.

The Collector was authorised to pay into George Robertson at Miln of Ribra six pounds Scots additional expended by him in building a bridge over the Burn of Rebra.

Banff, 26th May 1737; in a meeting of Commissioners of Supply, Sederunt :—Sir Robert Abercromby of Birkenbog, Patrick Gordon of Ardmeallie, William Leslie of Melross, John Innes of Edingight, George Joass of Colleopard, Robert Innes of Culvie, Alexr. Innes, Provost of Banff, and James Innes, Eldest Baillie of Banff for the time, William Duff of Whitehill—Ardmeallie preses.

Archibald Dunbar of Tillienought produced a contract entred into betwixt him, Sir James Dunbar of Durn, Walter Ogilvie of Culphin and Patrick Lorimer, chamberlaine to the Earle of findlater, on the

one part, and Alexander and William Hectors measons on the òyr part, for building a bridge over the Burn of Boynd near to Tillienaught, whereby they were bound in name of the shire to pay to the said Alexander and William Hector ffive hundred merks Scots for building said bridge, and which is now built, and the said sum paid as appears by the receipt on the foot of the said contract by the said William Hector to the said Archibald Dunbar; as also Tillienaught represented that he had paid twenty merks Scots to the constable for services p. receipt with ffour punds Scots of incidents anent said bridge, making in all three hundred and ffifty punds thirteen shillings and four pennies Scots. The Commissioners therefore approve of what Sir James Dunbar, Tillienaught and the òyr gentlemen concerned have done in that matter, exoner Tillienaught of the said sum received by him from the Collector, and ordain the same to be allowed to the said Alexr. Innes [the Collector] in his accompts.

An estimate of the cost of the bridge at Burnend in fforglane, amounting to eight pounds four shillings and fourpence sterling, was given in; and the Collector was ordered to pay the same to Arthur Gordon of Carnousie.

Payment of twelve pounds twelve shillings sterling was ordered to be made to Captain George Grant or Robert Grant of Tamore for repairing bridges and highways in Inveravin.

#### MAJOR-GENERAL GORDON AND AUCHINTOUL BRIDGE.

The meeting of Commissioners of Supply held on 30th September 1737 is chiefly notable on account of the appearance of Major-General Gordon of Auchintoul at the County Meeting. The bridge on the Auchintoul burn, to supervise the building of which he had been appointed on 31st October 1728 an overseer, had been damaged by a spate, and the General seems to have come out of his long retirement to attend to this matter, which was of interest to his native parish. There were present:—Lord Braco, Major Generall Gordon, Glassaugh, Crombie, Ardmeallie, Montblairie, Colleopard—Lord Braco preses.

Ardmeallie represented that one of the arches of the Bridge of Auchintoul having lately failled by a violent speat, by which the haill bridge was in hazard, and that he to prevent further damage had employed William Hector meason to repair the same, at a cost of

ffourty-seven pundis three shillings four pennies Scots, the Commissioners, keeping in view the resolution of 9th June 1730, because they are not sufficiently empowered to dispose of any highway money at a meeting of this kind, recommend to next Generall Meeting to consider of this accompt among the first things.

The Commissioners recommend to Coll. Innes, overseer of the highways, to call in and receive the haill gavelocks and tools belonging to the shire, and have them all in Banff against next general meeting; and if any person who are possest of any of them refuse to deliver them up, they recommend to their said overseer to prosecute them before the Justices.

AT a meeting of Commissioners of Supply held on 26th May 1738:

Present — Lord Braco, Glassaugh, Carnousie, Montblairie, Glengarrock, Meyan younger, Edingeth, Ardmeallie, Melross, Colleonard, Bogg, John Ord of Findochtie as eldest Baillie of Cullen, Sir William Dunbar of Durn, William Duff of Whitehill—Lord Braco preses.

Captain James Innes, overseer, allowed the sum of three hundred merks Scots of sallary for his pains trouble and attendance.

Ardmeallie allowed his expenditure in rebuilding the Bridge of Auchintoul referred to in the minute of meeting of 30th September 1737.

A proposed bridge over the Burn of Pathhead, formerly resolved upon and lying over for want of a proper estimate, was ordered to be built, Montblairie, Carnousie and Bogg being instructed to contract with workmen for the same.

Repairs ordered at a sum not exceeding five pounds sterling for causys and a small arch in the Petterden road, under the direction of Glassaugh and Ardmeallie.

Lord Banff applied for a bridge over the Burn of Blacktown [Alvah]. The Commissioners find it to be a necessary work, and recomend to Ardmeallie and Bogg to make out an estimate of the charge it will cost, to be laid before next meeting.

This meeting relaxed the strict resolution of date 9th June 1730, enacting that in tyme comeing it shall not be in the power of any two or three or more Commissioners to draw precepts on the Collr. for the highway money, unless the same be done by the Commrs. at a Generall Meeting regularly called; and reverted to the laxer practice prevailing before that time.



The Commissioners impower Captain Innes, the overseer, to make causys in the publick roads, wherever he finds the same absolutely necessary, without application to the Commissrs; the work when finished to be viewed and attested by any two Commissioners next adjacent, and with which the overseers precept on the Collr. is declared sufficient warrant for him to pay the charge of the same.

On a representation that one of the arches of the bridge at Tilly-naught had already failed, and that the bridge [was] like to go to ruin, the meeting appointed Alexr. Rhind and George Fath measons to go and view said bridge, and consider how farr the measons who were employed in building said bridge have done their work sufficiently, and whether or not there be a right foundation, and to make report what may be the reason of the said bridge failling so soon, and what it may cost to repair the same; and in the meantime recommend to the gentlemen who are named overseers for building the said bridge to cause prosecute Hectors before the Justices of Peace to answer for their conduct and any neglect or insufficiency that may appear in building said bridge. This to be done on the shires charges; and they discharge the said Hectors from being employed in any publick work in the shire untill they repair said bridge, if it appear the same has failed by the insufficiency of their work.

The overseer was directed to prosecute anyone encroaching on the public highways.

At a Justice of Peace Court held on the 31st May 1738.—Alexander Rhind and George ffaath, masons in Banff, gave in a report that the building of the Bridge at Tillienought was sufficient, had the channel of the burn been shoed or caused. The matter was continued to the Michaelmas Head Court.

Coll. Innes, overseer of highways, gave in a complaint, representing that severall tennants of the Earl of ffindlater, Sir Alexr. Reids and Rothimays had much encroached upon the highways, and that in some places the roads were scarce five foot broad, and the transgressors being cited to this day and compearing, there was a missive letter produced from Patrick Lorimer, ffactor to the Earl of ffindlater, promising that the whole roads within the Earls estate should be made at least twenty foot broad as the law directs, and that Coll. Innes had taken burden

upon him for Rothimay, and Montblairie for Sir Alexr. Reids tennants, that they should do the same. The Justices therefor continue the complaint agt all these persons untill the Michaelmas Head Court, and ordain Coll. Innes to give in a report against that time of such persons as are deficient, and likeways agt those that refuse to come out when called on to repair the highways.

#### BRIDGE AT BALVENIE UPON THE WATER OF FIDDICH.

Lord Braco, who had large interests in Mortlach, in 1724-25 built as his residence there the House of Balvenie. The bridge referred to in next minute, and called in the minute of the Michaelmas meeting of the Commissioners of Supply of 1742 "the Bridge of Balveny," was built within a few hundred yards of his House of Balvenie, and would afford easier access to it and to the county west of the Fiddich. The bridge was most likely built near the site of the present "Toll Brig," which has replaced it.

At Banff the fifth day of June 1739, Meeting of Commissioners of Supply of Banffshire: Present—The Right Honourable Lord Braco, Glassaugh, Achynanie, Glengarock, Lesmurdies Elder and Younger, William Duff of Whitehill, Newton, Edingeith, Culvie, Badenspink, Colleopard, Bogg, Provost of Banff, and James Innes eldest Bailie, Ardmely, Melross and Kininvie, who unanimously made choice of Lord Braco, preses.

Captain James Innes continued overseer at his former salary of three hundred merks.

Said day there was a petition given in in name of Lord Braco and other heritors within Mortlich parish, setting furth that its very necessary to have a bridge upon the watter of Fiddich a little below Tininver, and craveing that a proper sume may be ordered for building thereof. The Commissioners find that to be a necessary work, and ordain their Collector to answer in the meantime as funds comes to his hand the sume of twenty pounds sterline to Achoykanie, Lesmurdies elder and younger, Kininvy and Alexr. Gordon of Keithmore, ffactor to His Grace the Duke of Gordon, or any two of them upon their precepts, with power to them, or any two as said is, to contract with workmen, and make the most frugall bargains they can, and carry on the work, and to report to the Commissioners what further sume it may take to finish said bridge.

The same meeting, having likewise considered a petition in name of the heritors and inhabitants of the parish of Kirkmichael, setting furth that they had raised private contributions and other funds for building a bridge over the water of Aven in their parish, that they never received any of the highway money within the parish, therefore craving the Commissioners might order a sune for compleating said bridge and paying up the workmen, the Commissioners ordain the Collector to pay to Thomas Gordon of Fotherlater and Peter Constable the petitioners in name of the said parish the sune of two hundred merks Scots, upon account of sd. work, upon the receipt and oblidgement to apply the same duely, and satisfie the Commissioners thereof.

The Commissioners the same day appoint the sune of two pound sterline to Glassaugh and Peter Lorimer, ffactor to the Lord Findlater, for repairing the Bridge of Boyn upon their receipt and showing how its applied.

They also recomend to Peter Lorimer and James Mill to repair the Bridges of Boyndie and Boyn, and upon being attested by the overseer, the Collector to answer the charge. But the charge of leading stones sand or lime not to be reckoned on.

The overseer is hereby appointed as he has occasion from time to time to call in people to repair the roads, that such as neglect to come in after being regularly called by intimation at the church, that wherever the same may happen he apply to the next Justice of Peace to have deficients fined, and the fine levied summarily in terms of law, the overseer being always accountable for the fines he receives.

The exact spot where the bridge on the Aven was built—and from the minute we may fairly infer that it was built—one can hardly say without extraneous evidence. The bridge would be on some established route, and as Gordon of Fodderletter particularly interested himself in its erection, it may have been built near Fodderletter, and near the point where the present bridge at Campdelmore carries the road from Corgarff to the Spey at Grantown by way of the Lecht and Glen Brown. If that is so, it could not have stood long, for we find from a description of that road in Allardyce's "Historical Papers,"<sup>1</sup> under date 9th July 1747, that the crossing of the Aven in that district is called "the Foord of Carnagovall." Later, in 1749, in a Military Report, also quoted

<sup>1</sup> "Historical Papers," Vol. II., New Spalding Club, pp. 504-8 and 545.

by Allardyce, the following description is given of the same line of road:—"It afterwards rises over a High Mountain, calld Lecht, falls down and crosses the Burn of Lecht, goes down the side of a burn called Canglas about two miles, and after crossing the ford of Carnagoval on the River Awn (where there is a pass calld the pass of Carnagoval, near which, at a place calld Kamdillvaih, old Glen Buckett's house stood), it passes through a little wood and enters on Glen Brown." In 1754 five Companies of the 33rd Regiment under Colonel Lord Charles Hay made out the road from Lecht to the Spey at Grantown. An inscription on a well at the roadside on the Lecht bears this out; and Shaw, a contemporary, in his "Province of Moray," records that "above the Church of Kirkmichael is Ruthven-Camdale, where, in 1754, a bridge of three arches was built over the river on the military road." Sir T. Dick Lauder, who visited the place in 1830 in search of material for his "Moray Floods," recounts that "the old Bridge of Campdale, built by General Wade, of two arches of 48 and 20 feet span, had the smaller one carried off, a circumstance that saved the larger." Shaw seems wrong in stating that the bridge had three arches, and Dick Lauder would seemingly have been more correct if he had given Colonel Hay the credit of building the bridge.

Banff, the 31st of May 1740 years at a meeting of the Commissioners of Supply held by Lord Bracco, Ardmeallie, Muryfold, Meyan yr., Monblairy, William Duff of Whitehill, the Eldest Baillie of Banff, Carnousie, Glassaugh, Melross, Colleopard, Edengight.

#### THE BRIDGE OF BALVENIE.

The Commissioners haveing considered a plan laid before them of a bridge intended to be built upon the watter of fiddich, which was found to be necessary at last meeting, the charge yrof by sd. plan being ffourty pound sterling, they ordain the sd. bridge to be built, and the sd. sum of ffourty pound sterling to be paid to Alexr. Stuart of Lessmurdie from time to tyme, as he shall draw precepts for carying on the sd. work, after yr. Collr. has answered former orders and draughts; having hereby named the sd. Alexr. Stuart oversier for carying on sd. work, and in the meantyme the Lord Bracco enacts himself, that after the sd. Bridge is built and the forsaid sum laid out yron, to uphold the same on his Lordships charges for the space of twenty years.

## ENCROACHMENTS UPON PUBLIC ROADS.

The Commissioners recomend to yr. oversier to issue out ane advertisement in every parish requireing that the publick roads where they are too narrow may be rectified and helped; and afterwards, if the same is neglected, that he apply to the Justices of Peace and heretors to have the same done in terms of law.

The Commissioners recomend to the oversier to call in for the hail tools belonging to the shyre, and bring them to Banff betwixt and the first day of August, and ordain the oversier to prosecute all persons before the Justices of Peace who refuse to deliver up the same.

On 1st June 1742, the Commissioners recommended to a Committee named to receive a petition of George Gordon of Buckie and other heritors of Rathven for building bridges over the Burns of Buckie and Tynet, and to order a part of the highway money for that purpose.

Banff, the nineteenth day of June one thousand seven hundred and fourty two years, convened the following gentlemen Commissioners of Supply of Banffshire, vizt.:—Patrick Gordon of Ardmeallie, John Innes of Edingight, John Innes of Edingight younger, William Leslie of Melross, George Joass of Colleopard, John Ogilvie, Baillie of the Regality of Ogilvie, Thomas Stuart of Bogg, Alexr. Innes, Provost of the Burgh of Banff for the time, George Abernethie, Eldest Baillie for the said Burgh for the time, as a Committee of the Commissioners of Banffshire.

As George Gordon of Buckie and the heritors of Raffan had not given in an estimate of the charge that would be necessary for building the bridges over the Burns of Buckie and Tynet, consideration of the matter was continued to the meeting in August.

## THE BRIDGE OF BALVENIE.

Thereafter, William Leslie of Melross represented that the bridge, which the Commissioners formerly ordered to be built over Fiddich, and for which ffourty pounds sterling is appointed to be paid for defraying the charges thereof, was now built and finisht, but that it was still necessary to have a causyway and arch on the north side of said bridge for giveing more easy access thereto in time of speats, and for which it will cost about ten pounds sterling: They therefore recommend to Melross, Lesmurdie and Tullich, or any of them, to contract for said

work for any sum not exceeding ten pounds for carrying on the same, which the contractors are to advance in the meantime till the shires funds answer; and they hereby ordain that the same may be paid out of the highway money after all former orders are satisfied, and after paying in to Buckie and heretors of Raffan what will be sufficient for defraying the charges of building the two small bridges on the Burns of Buckie and Tynet, which they ordain to have the preference as being first applyed for, and that there was never any highway money given formerly for building bridges or repairing highways in the Enzie.

#### BRIDGES OF BUCKIE AND TYNET.

Banff, 1st Oct<sup>r</sup>. 1742, att a meeting of the Commissioners of Supply of Banff County: Present—Sir Robert Abercrombie, Ardmeallie, The Provost and Eldest Baillie of Banff, John Ogilvie, Baillie of the Regality of Ogilvie.—Sir Robert Abercrombie, preses.

The Commissioners having considered a letter from George Gordon of Buckie anent the charges and some necessarys for building a bridge over the Burn of Buckie, with letter from John Chalmers, meason, directed to Buckie, showing that he had made an estimate of what the said bridge may cost, which must be twenty foot of an arch in widness betwixt the land stools, nine foot on the top betwixt the revels, and that it will require the sum of twenty pounds sterling for that purpose, the undertaker furnishing wood lime stones iron and workmanship, the country answering for the carriage of all materials.

The Commissioners having considered the said application from Buckie and oyr. heritors of the Enzie, and knowing the sd. bridge to be absolutely necessary, they appoint their Collector to pay to George Gordon of Buckie, as soon as money can answer after paying the Bridge of Balveny according to former minutes, any sum from time to time for carrying on the work not exceeding twenty pounds sterling upon the said George Gordon his draughts, which is hereby declared to be sufficient to the Collector; and they recommend to him to contract with a workman for building said bridge, to give the necessary directions yr. anent, and that he may take the meason contracting bound to uphold the work for at least twenty years according to the former resolution of the Commissioners.

ROBERT ABERCROMBY.

Banff, 18th May 1743. Att a meeting of Commissioners of Supply of Banff County: Conveened—Sir Alexr. Reid of Barra, John Innes of Edingight, John Gordon, Baillie of the Regallity of Enzie, George Joass of Colleopard, Patrick Gordon of Ardmeallie, John Ord of ffindochtie, Eldest Baillie of Cullen, William Leslie of Melross, Alexr. Keith of Northfield, Alexr. Gordon of Whiteley, James Chalmers of Bellnellan, John Ogilvie, Baillie of the Regallity of Ogilvie, Mr. Alex. Chalmers of Clunie, Walter Ogilvie of Badenspink, William Ogilvie, Baillie of the Regallity of Strathisla, James Innes, Eldest Baillie of Banff, Alex. Gordon of Muiraik, John Innes, younger of Edingight, Patrick Duff of Whitehill, Robert Innes of Culvie, John Johnstown of Elrick, Alex. Innes, Provost of Banff, and Alex. Abernethie of Corskie, who unanimouslie made choice of Patrick Gordon of Ardmeallie to be preses.

Mr. Leslie of Melross produced a declaration under the hand of Alexander Stuart of Lessmurdie and James Leslie of Kinninvie, dated in October last, testifying that they, in consequence of the Commissrs order in June last, had agreed with John Mackonachie meason for putting up two additionall arches to the bridge lately built over the water of fiddich, and that the said additionall arches are now sufficiently built and put up, for which they agreed, in name of Lord Braco, to pay him ten pounds stg. therefore, and which in name of his Lop. is paid to him accordingly. The Commissioners therefore appoint the Collector to pay the said sum of Ten pounds sterling to Lord Braco.

John Ord of ffindochtie produced a representation from Alexr. Grant of Tochieniel, as ffactor to the Earle of ffindlater, shewing that there is still some more causey necessary upon the high road betwixt Birkenbogg and Cullen in the Moss of Whitehouse, as also in the Brae of Garronhead in the highway betwixt Banff and Cullen. They therefore appoint the said Alex. Innes preferable to all orders to pay to the said Alexr. Grant any sum not exceeding thirty-six pounds ten shillings Scots for causeyng at the said required places, and impower him and ffindochtie with their overseer to give directions yr anent, and to certifie the same when finished, and that ye said Alexr. Grant his receipt for the money expended shall be a sufficient instruction for the Collector.

PET. GORDONE P.

Banff, 17th May 1744. Att a meeting of Commissioners of Supply of the County of Banff: Present—Patrick Gordon of Ardmeallie, John Innes of Edingight, John Innes of Edingight, younger, William Leslie of Melross, George Joass of Colleopard, John Ogilvie, Baillie of the Regality of Ogilvie, Walter Ogilvie of Badenspik, Alexr. Hary Gordon of Muiraik, Mr. Alexr. Chalmers, minister of the Gospell at Marnoch heretor of Clunie, Alexr. Innes, Provost of Banff, James Innes, Eldest Baillie of Banff, Ardmeallie chosen preses, present also, Robert Innes of Culvie and John Johnstown of Elrick.

Ardmeallie produced a contract betwixt Lessmurdie and Kinninvie and workmen for building the new addition and causie, which was ordered at the Bridge of fiddich, as also a declaration by the said gentlemen that the work was finished and compleat, the charge whereof amounted to ten pounds sterling. They therefore appoint the Collector to pay the same out of the highway money to Lessmurdie, and to take his discharge therefore, which shall be a sufficient instruction for the Collector.

They likeways find that Lord Braco has necessarily laid out the sum of seven pounds eleven shillings sterling for a bridge over the Burn of Rattannach and a causy adjoining to it of three hundred elns, being a publick road. They approve of said work, and appoint their Collector to pay said sum to his Lop. as soon as funds can ansver, after paying to Buckie and the oyr. heretors of Raffan what is formerly appointed to be paid them for building bridge over the Burn of Buckie.

They further recomend to Sir William Gordon of Park, Ardmeallie and Culvie and Mr. Chalmers, or any two of them, to inspect the publick road that passes by Culvie to the Boat of Aberchirder, and to appoint such places to be causyed on said road as they shall see absolutely necessary, and they empower Culvie to imploy workmen and pay them at the sight of the above gentlemen or any two of them after the work is finished; and they ordain their Collector to repay Culvie any sum advanced by him on that account as soon as funds ansver, after paying the above orders already mentioned to Lessmurdie, Buckie and Lord Braco.

PET. GORDONE, P.



ATT Banff the seventeenth day of May one thousand seven hundred and fourty five years: Convened the following gentlemen, Commissioners of Supply of the County of Banff—Sir Robert Abercrombie of Birkenbogg, Sir William Gordon of Park, Sir Alexr. Reid of Barra, Arthur Gordon of Carnousie, Peter Gordon of Ardmeallie, James Reid, younger of Barra, Peter Duff of Whitehill, John Innes of Edingight, John Innes of Edingight, yor., James Innes, Provost of Banff, Robert Innes of Culvie, George Joass of Colleopard, Alexr. Hary Gordon of Muiraik, George Abernethie, Eldest Baillie of Banff, Alex. Innes of Rosieburn, James Ogilvie of Melross.

Sir William Gordon of Park, the preses of the meeting, named their Convener for the current year.

Thereafter the Commissioners, upon the application of Edengight, ordained their Collector to give him upon receipt ffourty shillings sterling for repairing the Bridges of Grange and Fortrie, and that he may report to next meeting how the same has been applied.

They also find that there was an application in the year 1738 for having a bridge built over the Burn of Blacktown, at which time the Commissioners found that to be a necessary work; but as nothing ffurther has been done since that time, they now appoint that bridge to be first built; and as the charge cannot be immediately ascertained, they recommend to and authorise Carnousie, Ardmeallie and the forsd. James and Alexr. Inneses, or any two of them, to pitch upon a proper place for building said bridge, to contract with measons and other workmen yfore in as frugall a manner as possible, and to cause execute the said work with all convenient dilligence, and for that end to draw upon the Collector for what money may be necessary from time to time for carrying on the work, which he is hereby impowered to answer, and the same shall be allowed him.

#### ENCROACHMENTS UPON PUBLIC ROADS.

The Commissioners again repeated their warnings against the failure of the people to give the statute labour and against encroachments on the roads. They appoint their Collector to adject to his intimations for the cess, that its their express orders that the tennants and country people in each parish, when they are called out by the overseer for

repairing the highways, give punctuall attendance, otherways they will be prosecute and fined as the law directs, as also that they make out headriggs and end riggs upon the lands next to the highways, otherways they will be likeways prosecute for the neglect thereof.

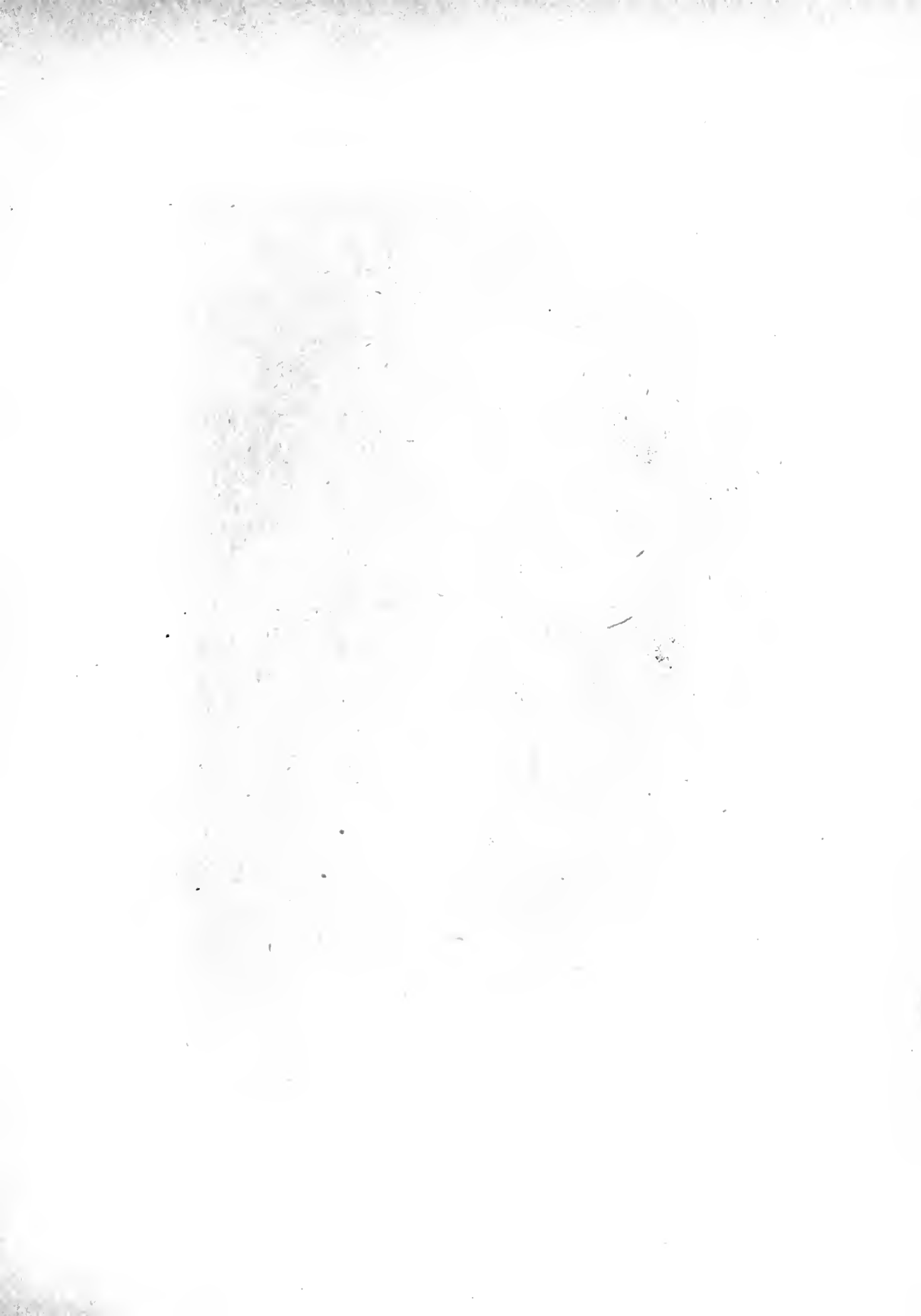
Thereafter such of the gentlemen named as are Justices of Peace of this County, constitute themselves into a Justice of Peace meeting and named the said Sir William Gordon of Park to be preses, and dealt with the following case of casting about a part of the King's highway in virtue of the Act of 1669. The Justices likewise took steps to assist the Commissioners of Supply to have the roads in the county made the legal width, and to prevent encroachments being made upon them.

It being represented, in name of my Lord findlater, to the Justices that the publick road after passing the Bridge of Durn in the King's highway betwixt Banff and Cullen is become quite impassible by the brae on the side of the said road giveing way and falling down, and that it's absolutly necessar to alter the said road and carry it in through the head of the Town of Portsoy or thereby, and for that end his Lop. has caused the tennant leave out a rigg of land for making out said road, and was desireous to have the Justices of Peace concurrence for that effect. The Justices ordain the said road to be altered and made out at the sight of Sir Robert Abercromby, Sir William Dunbar, Mr. Grant of Tochieneel and the overseer, or any two of them accordingly.

The Justices recomend to the heretors in every parish to meet the overseer and to adjust the roads in the severall parishes, and ascertain the breadths thereof, and that they give directions to their tennants, in the way of labouring their land, that where their lands join the highway they take care to make out head riggs and end riggs, which they ordain to be intimate in the intimation for the cess, certifying all transgressors that they will be punisht as the law directs, and that there shall be no pits or holes digged within the breadth of the highways, nor any alteration made afterwards upon said roads without authority from the Justices, and appoint the overseer to report at every meeting where the above rules are transgressed, that the offenders may be prosecute.

WILLIAM GORDON, Preses.

Three months later Prince Charlie unfurled his standard at Glenfinnan, and was soon to be joined by the Convener of Banffshire, accompanied by four of his men servants. Appointed Lieutenant-Col. of Lord Ogilvie's Regiment, he took part in the march to Derby, in the





*Sir William Gordon of Park  
Convener of Banffshire 1745.*

BY ALLAN RAMSAY.

retreat to Scotland, and was present at Culloden, dressed, as a witness depones against him, in "a sort of highland clothes."<sup>1</sup> The Chevalier De Johnstone gives a graphic account of forgathering with Park, Lord Lewis Gordon, Gordon of Avochie, and Park's half-brother, Cobairdy, at Rothiemurchus after Culloden, and of their journey to Park. There the laird, attainted, lurked for nearly two years, more than once hunted from hiding place to hiding place by the King's troops.<sup>2</sup> A report which reached the Government in November 1746 that Sir William Gordon with several others had escaped abroad in a Danish ship, which they had boarded in small boats from Arbroath, was unfounded. On 4th November 1747 the Earl of Findlater and Seafield reported to the Lord Justice Clerk that on the preceding Sunday a futile search had been made by two parties of soldiers from Banff and Cullen for persons attainted and exempted from the indemnity. He continues<sup>3</sup>—"Captain Gordon, of General Blakney's Regiment, who commands in Bamff, writes me that on their road a well-dressed man crossed their front at a quarter of a mile's distance at a hand gallop. Upon which the Captain thought it necessary to send an officer to examine him, which when he perceived he set spurs to his horse, and then both the Captain and the officer pursued him, on which he drove through the boggs up a hill as fast as he could; but the officers in pursuing got their horses bogg'd, and found themselves invironed with dykes and boggs, so that he fairly made his escape through his better knowledge of the country, and that upon their examining the country people who saw him they said it was Sir William Gordon of Park. Captain Gordon further adds that by the way he came, it was imagined he had been drove from one of the houses searched by Captain Wheelock, the commanding officer at Cullen."

Shortly after this he escaped abroad, and was joined in France by his wife, Lady Janet Duff, eldest daughter of Lord Braco. He died in France, at Douai, on 5th June 1751. The estate of Park, which had been entailed in 1713, passed under his attainder to his brother, Captain John Gordon, after a long litigation, 1751-54, in the Court of Session.

#### BRIDGES AT CAIRNFIELD AND ST. FERGUS.

Banff, the seventeenth day of May, one thousand seven hundred and fourty six years. Att a meeting of Commissioners of Supply of

<sup>1</sup> "Historical Papers," New Spalding Club, p. 352.

<sup>2</sup> "The Albemarle Papers," New Spalding Club, Vol. I., p. 316.

<sup>3</sup> Ibidem, Vol. II., p. 476.

the County of Banff: Conveened—Alexander Gairden of Troup, Peter Gordon of Ardmeallie, Alexr. Gordon of Cairnfield, John Innes of Edingight, George Joass of Colleopard, Alexander Keith of Northfield, Robert Innes of Culvie, Walter Ogilvie of Badenpink, Alexander Hary Gordon of Muiraik, James Innes, Provost of Banff, George Gairden, Eldest Baillie thereof, and John Ogilvie, Baillie of the Regallity of Ogilvie, Troup being chosen Preses.

An application having been made to the Commissioners in name of Cairnfield at last year's generall meeting for having a bridge built over the Burn of Cairnfield in the highway from Elgin to Banff, as also an estimate of the charge being then laid before the Commissioners, and the Commissioners present being now satisfied that it is a very usefull and necessary work, they ordain the same to be built, and appoint their Collector to pay in to Alexr. Gordon of Cairnfield upon his receipt as soon as he has funds in his hands, any sum not exceeding eleven pounds sterling for defraying the charge thereof, and hereby impower him to contract with workmen and cause carry on the said work at his sight in the most frugall manner, and when done to lay before the Commissioners proper vouchers for instructing the charge of the work.

The Commissioners also authorised the payment to Troup or James Reid, his ffactor, of any sum not exceeding eight pounds sterling for building a bridge at the Burnmouth of St. fergus, being a publick highway and a necessary work.

ALEX. GARDEN, P.

Alexander Garden, designated Troup younger in the sederunts of many of the meetings of Commissioners of Supply which he attended during his father's lifetime, took a very active interest in the government of the County. Brought up an advocate, he also took an active part in the government of Scotland. Like his father, he was a zealous supporter of the Revolution settlement and of the Hanoverian succession. During the rising of the Fifteen he was appointed a Deputy Lieutenant of the County. After the suppression of the rising the Commissioners of Supply of Banffshire appointed him one of a committee of three to draw up "ane congratularie address to His Majestye King George suitable to the present hapie juncture and postur off affayres." Next year, he was appointed by Government Civilist to King's College, Aberdeen, in place of an extruded Jacobite.

After the suppression of the rising of the Fifteen he and his father added to the family estate of Troup large interests in Aberdeenshire. The time was opportune, as many estates had been forfeited. His marriage with a daughter of Sir Francis Grant of Bellintomb and of Cullen (Gamrie), who rose to be a Judge of the Court of Session, under the title of Lord Cullen, and who had purchased in 1712 Monymusk in Aberdeenshire, brought him additional influence. His three sons—Alexander, who was member of Parliament for Aberdeenshire from 1768 to 1785, Francis, who reached the Bench in 1764 as Lord Gardenstown, and Peter, who married a Campbell of Glenlyon, successively followed him in possession of Troup. He first presided at a meeting of Commissioners of Supply of Banffshire on 4th October 1733, and, unlike his deceased father, he signed the sederunt "Garden." His father had presided at the first general meeting of Commissioners of Supply in Banffshire after the Fifteen, and similarly after the Forty-five the son presided at the meeting held on 20th May 1746, at which he was appointed Convener for the year.

His known zeal and activity for the Hanoverian succession brought him into strange trouble later in 1746. The adventure might have been one with brigands of Turkey or Morocco. "On Sunday, the 31st of August," so the information to Government ran,<sup>1</sup> "a party of Arm'd Rebels to the number of about 12, who appeared to be Highlanders, Commanded by a Young Man who appeared to be about 30 and look't like a Gentleman and a low Country man, Came about ten aclock at night to the House of Troup, eight Miles to the East of Banff, where they seized Alexr. Garden of Troup, and made a demand of £2000 sterling. And as he had not that sum by him, They forced him to write to some of his friends to raise it, and threatned to put him to death if it was not paid upon the 3d at Mid-day. They seized all his papers of value, and his father's, and his Acco<sup>t</sup>. with the York building Company, and about £100 of money, All which papers and money they carried with them, and also carried Mr. Garden of Troop prisoner alongst with them. They set out from his house about one aclock on Monday morning, and took the road by the Hills of Renny (Rhynie) or North." Troup's servants, who were to deliver the letters for raising the £2000, were ordered to appear in the Glen of North above Whitelumbs on Wednesday. They appeared at the rendezvous given, but could not effect their master's escape. Provost Innes, of Banff, and others thereafter went to Strathbogie to try to relieve Troup without avail. They then went to Aberdeen and

<sup>1</sup> "The Albemarle Papers," New Spalding Club, Vol. I., pp. 217-18.

Banff to raise the military. The information concludes—"John Philp, servant to Troup, heard the Young Man who commanded the Rebels say that tho' he received the £2000 it was small to divide amongst so many Noblemen and Gentlemen whose houses were burnt, and his amongst the rest." The military seem to have acted with promptitude. On 9th September the Commander-in-Chief in Scotland was able to report<sup>1</sup> that "the Rebels, finding themselves close pursued, released him (Mr. Garden) on Saturday night at ten o'clock, having only taken from him £143, but if they think I have done with them for showing this mark of Indulgence, they are mistaken, for I will have them dead or alive, for so audacious an Act was never committed." Easier said than done. They failed to capture the kidnappers or to recover the many valuable papers taken from Mr. Garden. Indeed these were only recovered through Gordon of Avochie,<sup>2</sup> who was under attainder for his share in the rising, and who stipulated for a protection from Government, which Troup on 15th December 1747 tried to get for him, before he would part with the documents—all which looks very much as though Avochie had been in the plot from the beginning.

The Rising of the Forty-five left its mark in the general poverty of the county, and highway money ceased to be levied, until June 1751, when a new era in road-making began.

#### PETER GORDON OF ARDMEALLIE.<sup>3</sup>

Peter or Patrick Gordon of Ardmeallie, as he is indiscriminately called, though he subscribes his name "Pet Gordone," who presided at next meeting of Commissioners of Supply, had a long career as an influential and assiduous worker in the county government of Banffshire. He is one of the very few Gordons within the county who seem to have given a whole-hearted support to the Hanoverian succession. On 7th March 1716 he qualified as Commissioner of Supply, the county record bearing that he "did in fface of the meiteing taik swear and subscribe the oaths of alleadgeance and assurance to His Majesty King George." He was appointed Convener of the County in 1742 and 1743. The county records in 1742 bear that he was so appointed "with power to him to call a meeting of Commissrs from time to time as he shall see cause"; and it is stated, in 1743, that the Commissioners "continue Patrick Gordon of Ardmealie to be their Conveener." He married Ann Bisset, daughter of Robert Bisset of

<sup>1</sup> "The Albemarle Papers," New Spalding Club, Vol. I., p. 220.

<sup>2</sup> *Ibidem*, p. 504.

<sup>3</sup> See p. 287.



Lessendrum, in 1706, and on 12th June of that year a sasine was recorded in his and her favour of the lands of Ardmeallie in which he is designed as younger of Ardmeallie. He married a second time, probably in 1722; for on the 26th April of that year there is recorded a sasine in favour of Mrs. Mary Duff, spouse of Peter Gordon of Ardmeallie, during all the days of her lifetime in case she survived her said husband, in all and hail the lands of Ardmeally. Mary Duff was eldest daughter of James Duff of Crombie and sister of William Duff of Crombie.<sup>1</sup> He was succeeded by his son James, his eldest son, Archibald, having predeceased him. Ardmeallie died in April 1762.

At a meeting of the Commissioners of Supply held at Banff on the 14th May 1747: Present—Patrick Gordon of Ardmeallie, George Joass of Colleopard, Walter Ogilvie of Badenspink, Mr. Alexr. Chalmers of Clunie, Alexander Hary Gordon of Muiraik, James Innes, Provost of Banff, John Ogilvie, Baillie of the Regallity of Ogilvie, Robt. Innes of Culvie, John Duffus, Eldest Baillie of Banff and Alexr. Innes of Whitehill—Ardmeallie preses.

But in respect of the late troubles and poverty among the tennants, they have resolved to lay aside highway money and vagabond money for this current year, recommending to every heretor within his own bounds and in his neighbourhood to call out the country, and to direct and oversee the repairing of the highways, in respect there is no fund now for an overseer for that purpose.

#### DEATH OF CAPTAIN JAMES INNES, OVERSEER.

And there being an attestation under the hands of Edingight and the minister of Grange declaring that they were witnes to an agreement made by the deceast Capt. James Innes as overseer of the highways, in consequence of an order from the Commissioners at a generall meeting, whereby he agreed to pay to James Cruickshank ffourty-two pounds Scots for making the reparations then necessary for the Bridges of Grange and ffortrie, and attesting the said work to be done and perfected according to agreement, they therefore impower the said Alexr. Innes to pay the same if he has as much in his hands.

From the following minute of 22nd July 1747: Present—Lord Braco, Sir Robert Abercrombie, Alexander Duff of Hatton, Thomas Grant of Achoynanie, William Donaldson of Kinnairdie, George Joass

<sup>1</sup> See pp. 350-1.

of Colleopard, James Ogilvie of Melross, Alexander Innes of Rosyburn—Lord Braco, preses, the following additional particulars regarding the overseer appear:—

The said Commissioners, considering that the sallary appointed for the now deceast Capt. James Innes as overseer and director of the highways at their generall meeting in May 1745 lyes yet in the Collector's hands, and that William Leslie of Melross having procured bill on the Collector immediately after said generall meeting to the extent and value of the said sallary, being three hundred mks, in order to reimburse him of what he had necessarily expended preceeding that time for the subsistence of the said Captain and his family, which still ly over unpaid, the Commissioners therefore ordain Alexander Innes their Collector to pay the said sum to the said William Leslie, and to take his receipt and discharge therefor, which shall be allowed to him.

#### BANFFSHIRE ROADS IN 1746.

In the Journal of an English medical officer who attended on the Duke of Cumberland's army in 1746, before referred to,<sup>1</sup> that gentleman recounts in April of that year that "from Turriff, after riding eight miles over moderate hilly and plentiful country and good roads . . . we arrived at Banff. Before we enter Banff we are obliged to ford this broad river [the Deveron]. . . After leaving Banff we travelled along the sea coast, and have fine views of the rising mountains near the firth of Cromarty." He travelled along the road from Banff to Fochabers, more than once referred to. Like the Deveron, the Spey had to be forded. In 1746 there was no bridge on the Deveron except the bridge at its head waters over the Blackwater in Cabrach, built by Lesmurdie in 1725; and there was no bridge on the Spey, at any rate within the counties of Banff and Moray.

On his return from Culloden and the north, in September of the same year, after re-crossing the Spey, he includes the following in his narrative of his journey through Banffshire:—"After leaving Fochabers I rode over a mountainous country. . . . After six miles riding I came to a small village called Keith. . . . Here was nothing remarkable, but an exceeding high and steep stone bridge of one arch over a pleasant branch of the river Deveron, close to which I saw a mighty rock stone which makes part of the foundation of this bridge." This was no doubt the "Auld Brig" over the Isla, built in 1609 by Thomas Murray and Janet Lindsay. There has been given the

<sup>1</sup> See p. 130.

reference to its repair by the county authorities in 1724 at the instance of Thomas Grant of Achoynanie. He continues, "From Keith I had six more miles to Strathbogie, and in that road passed over the most strong country I had seen called Carny. I then thought I was come into the most desolate and barren part of the world. . . ."

"From Strathbogie I took a journey to Banff and back again, twelve miles distance, all cross the country and very mountainous, so that all along the road (greatest part of which was stony and boggy) I conceived I was got again into the Highlands; for I think the country here may be properly so called, being continued barren mountains and villages." Passing Rothiemay House he came to Abernethy of Main's. "From this place to Banff the Deveron obstructs our way, which with great difficulty and some danger I forded with my horse. From this we come to a country producing scarce anything but peat for firing; . . . and then had a pretty good road to Banff." He had struck the road from Marnoch Kirk to Banff, so often referred to in the County Minutes.

#### MOVEMENT FOR REIMPOSITION OF HIGHWAY MONEY.

But with the slow recovery of the country from the troubles of the Forty-five the roads of the County could not be allowed to remain in the wretched condition they were in. It is interesting to note that the first move came from the Duchess of Gordon, whose husband, Cosmo George, influenced by his Mordaunt Protestant mother, who was well fed by the Government, kept out of the Forty-five with his other brothers, except Lord Lewis. The Duke died in 1752.

BANFF, 1st June, 1750.—Conveened the following Commissioners of Supply, vizt., Robert Abercrombie, James Ogilvie of Melross, George Joass of Colleopard, John Innes of Edingight, James Bartlet of Afforsk, Montcoffer, Culvie, Walter Ogilvie of Baldavie and Alexander Innes of Rosyburn. Sir Robert Abercrombie chosen preses.

Thereafter the said Alexander Innes laid before the meeting an application from her Grace the Duchess of Gordon for having two small bridges built at the shires expence, the one over the Burn of Tynet a twenty foot arch, the other over the Burn of Bellie a ten foot arch, and in name of her Grace desired the Commissioners would be pleased to order the said bridges to be built accordingly, as being very

necessar and usefull for that part of the country, and that the highway money which has been laid aside for some years may be again imposed for that purpose and levied with this years cess.

The Commissioners in respect the highway money was laid aside by a generall consent, and that the present meeting not being so very full as that they would think of altering the former resolution on that subject, and having letters from severall Commissioners who could not attend the meeting signifying their inclination to have the said highway money still dropt, they therefore deferr the consideration of the said application untill the second Tuesday of August next.

#### MAIN LINES OF ROADS TO BE MENDED.

BANFF, 30th Augt., 1750.—Att a meeting of the Commissioners of Supply: Present—The Right Honble Lord Deskford, Lord Braco, Sir Robt. Abercrombie, Collonell Abercrombie, Hatton younger, Montblairie, Montcoffer, Rosyburn. Lord Deskford chosen preses.

The Commissioners present resolved:—

That it will be proper to lay on the Road money at the first general meeting.

That there ought to be no overseer named with a sallary, and unanimously agree to oppose the nomination of any such overseer.

That the money shall be applyed for building bridges, untill the principall roads through the county are first made out and repaired, and that one road shall be finished before they begin another; and they are of opinion

That the first road to be mended should be from Banff to Fochabers.

The second road from Banff to Marnoch Kirk.

That the third road to be mended shall be from Banff to Kieth, and from that upwards.

That the fourth road shall be from Portsoy to Rothiemay.

That the fifth to be made out ought to be from Blacktown to Cullen.

They also think it necessary that for making the said roads there be provided three small coup carts, half-a-dozen wheel barrows, two dozen spades and shovels, three small gavellocks, two mashes one bigg and another small, and half-a-dozen picks and one large sway; and they

recommend to the next general meeting to lay on the road money for the purposes above mentioned. And they also recommend to Montcoffer and Rosyburn to provide and furnish the said tools, where they can be most easily had. . . . They also recommend to all heretors in the county that the roads be carried as streight as possible, unless where it may be very detrimental to them or their tennants, and that they shall in the narrowest places not be under fourteen feet of breadth besides a ditch on each side for carrying off the water; and that the money to be levied shall be in the first place applyed for payment of the tools, and in the next place for payment of the soldiers or artificers to be employed for making out these roads. DESKFOORD, Preses.

#### REIMPOSITION OF HIGHWAY MONEY.

At Banff, 4th June 1751, the Commissioners of Supply again imposed ten shillings Scots on each hundred pounds Scots of valued rent for the insuing year first for buying tools and proper instruments for repairing the highways and in the next place for mending the road betwixt Banff and Boindie, and the remainder (if any be) to be given to William Dunbar factor to Lord Deskford to be laid out for making the road betwixt Boindie and Cullen.

The highway money, discontinued in May 1747, "in respect of the late troubles and poverty among the tennants," was thus reimposed in 1751 on the suggestion of the Duchess of Gordon, and with the powerful support of Lord Deskford.

#### MY LORD DESKFORD.

James, Lord Deskford, was born on 16th April 1716, at Dupplin, the residence of his grandfather, Lord Kinnoul. His father, the fifth Earl of Findlater and second Earl of Seafield, who was, from 1734 to 1754, one of the 16 representative Peers of Scotland, and was a friend of the Walpoles, gave him an excellent education, rounded off, like his own, by foreign residence and travel. Horace Walpole, writing to General Conway at Rome on 23rd April 1740, says:—"Harry, you saw Lord Deskford at Geneva. Don't you like him? He is a mighty sensible man; there are few young people have so good an understanding. He is mighty grave and so are you; but you both can be pleasant when you have a mind. Indeed one can make you pleasant; but his solemn Scotchery is not a little formidable." On 9th June 1749, he married, at Huntingtower, Mary, second daughter of John Murray, first Duke of Atholl.

Like his father, after the rising of the Fifteen, Lord Deskford, after the Forty-five, took a great interest in the development of the roads and of the rural industries of Banffshire. He further forwarded many important schemes of reconstruction for Scotland.

Residing mostly at Banff Castle until his father died in 1764, and thereafter at Cullen House, he introduced into the extensive estates of Findlater and Boyne the improved agricultural methods of the Lothians and England. In Cullen House is to be found in the library one of the richest collections of eighteenth century works on agriculture, mainly collected by him.

During his residence at Banff Castle he took the farm of Colleonard into his own hands, and resolved to put the best theory and practice of the south to the test of actual experiment in Banffshire. He induced an experienced English overseer to come north, and to act as grieve. The farm was laid out with judgment and taste. The vicious system of runrig, whereby two or more farmers worked alternate rigs, was abolished, and the farm fields were made contiguous, and were enclosed. The hedgerows still to be seen on it, and the belts of wood, remind one of a typical English rural landscape. He practised summer fallowing; but, greater improvement than that, he introduced a system of rotation of crops. He was the first in the county to practise the system of sowing out ryegrass and clover with white crop. In 1748 he introduced the turnip as a field, apart from a garden, crop, and so far solved the difficulty of food to winter cattle. He is also said to have introduced the potato into Banffshire. To encourage his tenants to farm on the lines mentioned, he gave them long leases, on condition that they would enclose, and follow his improved system of cropping. He also promoted flax growing and its allied industries, flax spinning, bleaching and linen manufacture. In 1752, at his bleachfield, near Cullen House, 1500 pieces of cloth and 1700 spindles of thread yarn were whitened. At Cullen he established a considerable manufacture of linen and damask. This successful rural enterprise flourished until the early part of the nineteenth century, but has now left no more than a memory of its existence in the place names of Lintmill of Cullen and of Boyne. He was likewise a pioneer in the planting of trees, and, to promote forestry, established a nursery at Colleonard.

In 1754 he was appointed one of the Commissioners of Customs in Scotland, but resigned his seat in 1761. That year he was appointed Chancellor of the University of King's College, Aberdeen. On 9th July 1764, he succeeded his father. Next year he was appointed one of the Lords of Police in Scotland. He was also one of the trustees for the improvement of fisheries and manufactures, and for the management of the annexed estates in Scotland. He died at Cullen House on 3rd November 1770.

The interest in road building continued to grow, and the Commissioners applied the highway money not only to the purchase of tools as heretofore, but also for the hire of soldiers to assist in road making. The employment of small bodies of military from the detachments in garrison at Banff and neighbourhood for this purpose is interesting and instructive, and might be well followed to-day as a useful training to soldiers and of much advantage to the country. Strictly speaking, there was at this period only one purely military road in Banffshire, confined to the parish of Kirkmichael, part of the road from Braemar to Grantown via Tomintoul, made out in 1754 by Col. Lord Charles Hay and the 33rd regiment. Further, the Commissioners did not hesitate to stretch their powers of taxation, by devoting the savings from Rogue money, effected by dispensing with the services of constables and otherwise, to the making out of roads.

At Banff, 6th May 1752, the Commissioners, Bracco presiding, recomend that the road betwixt Banff and Boindie be made out this summer, and that application may be made to the officer commanding the regiment whereof a party may ly at Banff for a sergant and twelve men for assisting in making out the said road on the expence of the county, the inhabitants of Banff being always called out to give the proper assistance likeways as the law directs. And as it has been represented to the Commissioners that the present road must be altered and put about a litle in one part, in order to make it a good and sufficient road, they name William Leslie of Melross, George Joass of Colleonard and Alexander Innes of Rosyburn as a committee of their number, and recomend to them to meet with the magistrates of Banff and concert the proper way for making out that road, and to concur with them in having it made out in the best and easiest manner.

At Banff, 1st May 1753, the Commissioners of Supply, on the report of the Clerk that he had expended only about six or seven pounds stg. in buying tools, and that it will be necessar to lay out a larger sum for buying carts, barrows and other tools, and for making a sufficient road betwixt Banff and Fochabers, imposed the highway money.

It was represented by Meyan, Ardmeallie younger and Mr. Leslie that the road at the Burn of Corskie and at the Park dykes of Achintoul are impassible: Therefore the Commissioners impower these gentlemen to repair these roads as they shall think fit, and to lay out the necessary expenses to workmen for ditching and causewaying.

At an adjournment of the meeting the Collector having reported that when all arrears of the current year are paid up there will remain a ballance of the Rogue money of about three hundred pounds Scots, . . . and there being many applications for having the road from Banff to Rothiemay repaired and made out upon the savings of the Rogue money, the Commissioners resolved accordingly. . . . And Lord Braco having named Robert Cuming his ffactor, Alex<sup>r</sup>. Miln at Miln of Alvah, or William Winton at Kirktown of Alvah to oversee and direct the making out the road through his Lordships grounds from the said Sandyhill park untill it enter on Lord Banffs estate, the Collector is directed to pay to them upon their receipt to the extent of the ballance of the Rogue money, if required, and thereafter to any person Lord Banff shall name as overseer, and thereafter to the other heritors as the road advances on their rexive grounds. With power to the overseers to call on the country as the law directs, and to employ four of the military or more if necessary, and to call at the Collector for a third of the tools bought for the shire . . . And they recomend to Lord Braco to apply to Generall Churchhill for some of the military to be employed to help and make out these roads, viz., from Banff to Fochabers and from Banff to Rothiemay.

Banff, 1st May 1754. At a generall meeting of the Commissioners of Supply of Banffshire, Sir Robert Abercromby presiding. . . It being represented by Meyan and Edingight, that they had been so far convinced of the neglect of constables and of their being unnecessary, they had discharged William Kemp one of the constables about a year and a half ago, by which there was a saving of six pound sterling to the county, and therefore as there was a very bad pass betwixt the new road at the Dens of Tilliedown and about the burn there, and another very bad pass upon the Knockhill on the highway from Banff to Kieth, and that a small matter is absolutely necessary for repairing the Bridge at the Burn at Fortrie upon the said highway, therefore they claimed the foresaid six pound for the above purposes, which the meeting thought reasonable.

At Banff, on the 21st of May 1754, the Commissioners of Supply, Lord Deskford presiding, examined the state of the Highway money for the year 1753 and two preceeding years, find the same fairly stated and vouched, and the ballance ensuing therefrom they ffind amounts to



Twenty five pound fifteen shillings and sex pence sterling, which they appoint to be paid to Lord Deskfoord or his order for carrying on the road from Boyndie towards Cullen and Fochabers. George Mason ffactor for Lord Deskford vouched an expenditure of £40 4/3 Stg. since September last on the road from the Burn of Boyndie to the head of the Brae on the side of the Burn of Boyn.

An account of the application of Rogue money for the years 1751, 1752 and 1753 showed a ballance of £26 10/1 Stg. This ballance and any from the current year after dealing with vagrants to be applied for making out the road betwixt Banff and Aberchirder, and recommend to Lord Braco, Montblair, Mr. Leslie of Melrose, Coleonard, Rosieburn and Lord Braccos ffactor, or any two of them, to call for money to be laid out in the first place for carrying on the said road from the Spittlemyre to the Burn of Bachlay; and thereafter they appoint the said road to be carried on from the Kirk of Marnoch to the top of the Hill of Crannach . . . ; and whereas it has been concerted to carry on that road with the more expedition, that a sum not exceeding £25 stg. shall be advanced . . . , two thirds thereof by Lord Braco and one third of said sum by Lord Banff and Montblair, the Commissioners therefore agree that what advance they shall so make is to be repaid to them out of any balance of Rogue money for 1754 . . . After the said road is carried to the Hill of Crannah the Commissioners appoint the military and the tools to be again brought back to the Bachlay road, to carry on the same to Blacktown, and from thence forwards to the said hill of Crannah . . .

At Banff, 1st May 1755, the Highway money was imposed, and the balance of Rogue money was voted for carrying on the two foresaid roads.

At Banff, 15th June 1756, accounts in connexion with the two foresaid roads were passed.

An account by Lord Braco for making out a new road from the top of the hill of Rothiemay towards Nether Milns of Strathisla and Keith was postponed. The Commissioners find that the last mentioned road will prove very useful and necessary, and that after the orders standing upon the books for making out other roads are fulfilled and these roads made out, his Lop. will thereafter claim for what he has expended on the last mentioned road.

Mr. Grant of Tochieneal, in name of Lord Deskfoord, submitted accounts amounting to £40 13/11 stg. for carrying the Coast road from Sandend towards Cullen. £35 3/8<sup>3</sup> was allowed out of previous years Highway money, and the balance of £5 9/4<sup>1</sup> carried to next year's accounts.

At Banff, 30 April 1757, the Commissioners considered Lord Braco's accounts for making out the road from Auchintoull to the top of the hill of Cranna in summer 1756, amounting to £66 14/3 stg., and allowed £33 stg., the Rogue money for 1755, and appointed the Collector to pay his Lordship £33 stg. the hail amount of Rogue money imposed for 1756 in full of the balance of £33 14/3. And in respect in said accounts there is eighteen pence per diem charged as given to the Sergeant, the meeting are of opinion that it was too much, and therefore they resolve that hereafter they will not allow above a shilling to any sergeant to be employed.

Thereafter the following state of Highway money for last year was made out:—

Mr. Grant of Tochieniel produced an accompt of money expended for making out the road from Sandend to Cullen, and from thence towards Woodside, which was sustained, and the same with the vouchers thereof delivered up and discharged amounting to, including the ballance found due him last clearance - - - £37 8 7<sup>1</sup>/<sub>2</sub>

By cash paid him by the Collector in full of the Highway money imposed for the year 1756 p. receipt - - -	—	£33 0 0
By ballance due to be paid him out of the current year's Highway money - - -	—	4 8 7 <sup>1</sup> / <sub>2</sub>
	<u>£37 8 7<sup>1</sup>/<sub>2</sub></u>	<u>£37 8 7<sup>1</sup>/<sub>2</sub></u>

Which accompt as above stated the meeting approves of, and discharges their Collector for the Highway money last year and preceedings.

#### METHODS FOR MAKING OUT ROADS AT THE EASIEST EXPENSE.

Thereafter it was the opinion of the meeting that notwithstanding the above accompt on both roads, that more frugal methods may be taken, and for that end they adjourn their meeting to ffriday the

twentieth of May next to consider of the most proper and effectual methods for making out the publick roads upon the easiest expence, and they hereby put a stop to the cairying on any road untill that day, that the resolutions of that meeting are known.

At Banff, the 20th day of May 1757, att a general meeting of the Commissioners of Supply of Banffshire in consequence of their last adjournment: Present—Capt. John Gordon of Park, John Innes of Muryfauld, James Abernethie of Mayen, Alex<sup>r</sup>. Gordon of Cairnfield, James Gordon of Ardmeallie, John Innes of Edingight, Alexander Donaldson of Kinnairdy, John Duff of Drumblair, Alex<sup>r</sup>. Duff of Hatton, James Ogilvie of Baldavie, James Bartlet, Provost of Banff, Alex<sup>r</sup>. Innes of Rosieburn. The said Capt. John Gordon being chosen preses.

Thereafter Mr. Abernethie of Mayen having given in a representation here referred to setting furth that the expence laid out on making the roads hitherto has been too great, and therefore offering to make out a sufficient road of twenty feet broad at threepence p. yrd Scots measure, beginning at the top of the Hill of Cranna, where it is already brought in terms of his proposal. The Commissioners impower Mayen to make out the above road to the extent of Eight pounds sterling out of the first of the Rogue money for the current year; and they recommend to the several heritors in the neighbourhood of that road to give in a list to Mayen of their several tennants servants and others, that may be thought liable to give service on the said road agreeable to the act of Parliament, to be called out for that purpose for the statute work on the said road, and such as are sufficient Mayen is to receive and allow sixpence p. day for each of them, and where material is wanting the same is to be done at the expence of the county.

They appoint Lord Braco's ffactor or any other having the tools belonging to the shire in their custody which has been used for that road to give such of them to Mayen on his receipt as he shall call for, for carrying on said road.

The Commissioners recommend Lord Deskfoord, under whose direction the road from Banff to Cullen and ffochabers has been carrying on, to agree with workmen and manage matters so as to make out a

sufficient road of twenty feet broad not exceeding three pence p. ell Scots measure, as is agreed to be done on the other road.

At Banff, the second day of August one thousand seven hundred and fifty seven years, at a meeting of the Commissioners of Supply in consequence of their last adjournment: Present—The Right Honble. The Lord Braco, The Honble. James Duff, The Honble. Alexander Duff Esqr., James Duff of Corsindae, Alexander Duff of Hatton, John Innes of Muirfold, William Leslye of Melross, Patrick Duff of Whitehill, James Bartlet of Afforsk, Provost of Banff, Alex<sup>r</sup>. Innes of Rosieburn and Patrick Dockar Eldest Bailie of Banff—Lord Braco being unanimously chosen preses, the sd James and Alex<sup>r</sup>. Duffs having qualified in terms of law.

Thereafter there was a letter produced from Mr. Grant of Tochineal to Alex<sup>r</sup>. Innes of Rosieburn shewing that there is a deep hole of a burn at Thornrone upon the road which is making out at the publick charge betwixt Cullen and Rannes, which would require a small arch which may cost about Thirty pounds Scots . . ., which they [the Commissioners] agree to.

Thereafter there was a proposal of having the roads within Banffshire made out and carried on in every parish within itself at their own expense upon the plan of Aberdeenshire, which by experience has been found to answer, or to make such alterations and improvements on said plan as they shall think proper. The Commissioners are of opinion it will be a right method, but defer the consideration thereof till next meeting.

#### BRIDGE UPON THE FIDDICH NEAR CRAIGELLACHIE.

Said day Mr. Proctor presented a letter to the meeting from Mr. Grant of Achoynanie, representing that the timber bridge upon the water of Fiddich near to the passage boat and where fiddich falls into the river Spey, which was a usefull and most necessary bridge, being upon a publick highway, had so far failed that no person could pass upon it, and recommending to the Commissioners to order a stone bridge to be built over said water, as it would hardly be possible to get large enough timber to repair and make out a timber bridge, the distance betwixt the land stales being betwixt thirty and fourty feet, and that

there was a necessity for having a bridge there soon on account of the rapidity and deepness of that water, which may occasion the loss of many lives if neglected.

The Commissioners are of opinion that its absolutely necessary to have a bridge at the foresaid place upon ffidich, and that, as they have not funds immediately for making out a stone bridge, they think it will be most advisable to provide large timber for repairing the old bridge, and for that purpose, notwithstanding that their publick funds were already appropriate for the current year for carrying on the roads from Cullen to ffochabers and from Banff to Aberchirder, they of consent . . . appoint their Collector to pay immediately eight pounds sterling to Achoynanie, Robert Grant of Tammore, James Leslye of Kininvie and said Mr. Proctor or any two of them upon their receipt to be laid out for buying the sd timber and repairing the sd bridge, . . . and that to serve in the meantime, without hindering the shire from ordering a stone bridge to be built when their funds can allow of it, the one half of said sum to be taken from the fund allotted for the Cullen road, and the other half thereof to be taken from the fund appropriate for the Aberchirder road.

At Banff the 29th day of September 1757, in a general meeting of the Commissioners of Supply, the Honourable James Duff of Braco presiding, Lord Deskford by letter reported that the Cullen to ffochabers road had been made out as far as the Findlater property extended in the parish of Rathven. The meeting appointed Mr. Gordon of Glashtirum and Mr. Alex<sup>r</sup>. Hay son to Rannass overseers to carry the same road on to the Burn of Buckie.

Meyan reported that he had received eight pounds sterling for making out a part of the road from Hill of Cranna towards Blacktoun, which would not pay for the work done according to the agreement at the rate of two pence p. ell. The Commissioners appointed the Collector to pay what further may be wanted according to the measure certified by Capt. John Gordon of Park, James Gordon of Ardmeallie, Alex<sup>r</sup>. Donaldson of Kinnairdy, John Innes of Muirfold or any two of them.

They recommend to the Noblemen and Gentlemen in the neighbourhood after harvest to order in their horses and tennants for leading

stones to compleat the passes at the Gushet Bog and other water runs, for the time required by law.

At a meeting on 2nd May 1758, the Commissioners, Sir Robert Abercromby of Birkenbog presiding, appoint the two publick roads from Cullen to ffochabers and from Banff to Aberchirder to be carried on as formerly, and direct Lord Banff and the heritors of Alva and Marnoch to meet at Blacktown and concert measures for more expeditiously making out the latter road.

The Commissioners, having under consideration the state of the highways, they unanimously resolved and agreed that hereafter the publick roads in each parish, except the parishes that work on the two publick roads presently carrying on betwixt Cullen and ffochabers and betwixt Banff and Aberchirder, shall be made out and carried on parochially; and hereby recommend to and empower the Commissioners of Supply, Justices of Peace and Heritors in each parish to call out the tennants and inhabitants annually to perform the statute work, . . . and appoints the fifteenth of June next for the first meeting of the Commissioners, Justices of Peace and Heritors of every parish, in order to concert measures for putting the above resolutions in execution.

On 30th April 1759, the Commissioners, Mr. Garden of Troup presiding, continued the Highway money and Rogue money as in previous years.

Said day a letter from Sir Archibald Grant to Alex<sup>r</sup>. Innes of Rosieburn to be communicate to this meeting was presented and laid before them, anent the reparation of the roads within the parishes of Keith, Boharm and Skirdustan, which being read and considered, the Commissioners desire thanks to be returned to Sir Archibald for so generous and publick spirited an offer, and they recommend to him as having the management of Mr. Grant of Achoynanies estate in conjunction with the other heritors of these parishes to cause repair and make out in the most effectual manner such publick roads as shall be proper and necessary within these parishes, with all convenient diligence, for that end to call in from time to time the tenants and all persons lyable in statute work. . . .

The Commissioners have resolved that, after the road carrying on betwixt Marnoch Kirk and Banff is fully made out agreeable to their

former orders, that the road from Nethermiln of Auchmedden leading to Banff shall be next made out, and what publick money may be necessary for that purpose to be taken out of the Rogue money. . . . They therefore recommend Mr. Garden of Troup to take the direction of that road upon him intirely, and for that purpose to call out the whole tenants and inhabitants within the parish to perform the statute work. . . .

The Commissioners recommend to Lord Deskford, Mr. Gordon of Ardmeallie, Mr. Hay of Montblairry, Mr. Innes of Muirfold and Alex<sup>r</sup>. Innes of Rosieburn or any three of them that can attend to meet upon Tuesday the eight of May next to view the road already made out betwixt Cranna and Blacktown, to consider if the same has been sufficiently done according to agreement, and to cause measure and order payment to Alex<sup>r</sup>. McLean therefore. . . .

At Banff the 22nd June 1759, the Commissioners, Lord Deskford presiding, on a representation that a road betwixt Portsoy and Keith would be extremely necessary and convenient, recommend to the Earl of ffindlater, Sir Robert Abercromby, General Abercromby and Mr. Grant of Tochieneil to consider where a proper road could be made out from Portsoy towards Keith, so far as it may go through the parish of Fordyce, and resolved to indemnify them of the expense of an overseer for attending the county people to be called in for performing statute work, to be taken out of the Highway money not exceeding one shill. ster. p. diem.

Thereafter it was represented that a road will be very necessary and useful to strick off from the publick road leading to Aberchirder near to George Rainey in Crana, and to proceed from thence to the Boat of Inverkeithney. Approved, under the direction of John Innes of Muirfold, the expense of an overseer at a rate not exceeding one shilling per diem to be charged to Rogue money.

Resolved that the penalties levied on deficients be applied in the first place for buying road tools.

In regard to a petition by Archibald Duff of Drummuir for having a road made out through his estate in the parish of Botriphnie upon the publick expense, the Commissioners reply they are sorry the Highway money is otherwise appropriate for some years to come, but that as

soon as the publick road is carried the length of Botriphney due attention will be had to his application.

Lord Deskfoord and Captain John Gordon recommended to report where and in what manner a road can be made out from Portsoy and leading to Strathbogie.

At Banff, 28th Septr. 1759: The Commissioners recommend to appoint John Gordon of Cluny and Alex<sup>r</sup>. Tod factor to the Duke of Gordon, as overseers for carrying on the publick road from Burn of Buckie towards ffochabers, with powers to call out the country people.

The Commissioners recommend to Lord Macduff, Lord Banff, Mountblairy, Melross, Corsindae and Rosieburn or any three of them to meet and carry on the road that leads from Tippetty and Wardend towards Bachlaw.

At Banff, 30th April 1760, the Commissioners continue the Highway money and Rogue money this year at the same rate as last year.

At Banff the Thirteenth day of June one thousand seven hundred and sixty years: At a meeting of the Commissioners of Supply and Justices of Peace of Banffshire, in consequence of the last adjournment: Present—The Right Honble. The Lords Deskfoord, Macduff and Banff, Sir Robert Abercromby, Captain Gordon of Park, George Hay of Montblairy, James Abernethie of Mayen, James Duff of Corsindae, Alexander Gordon of Cairnfield, Alexander Innes of Rosieburn and William Ogilvie, Merchant in Banff. Lord Deskfoord elected preses.

Agreed that what remains unmade of the road betwixt Blacktown and Banff shall be made out under the direction of Lords Macduff and Banff, Mr. Hay of Montblairy and Alex<sup>r</sup>. Innes of Rosieburn or any two of them agreeable to the former order and resolution thereanent, the gravelling of the road betwixt Spittlemyre and the Town of Banff, partly in the county and partly within the territories of the town, to be done by the tennants within the parish of Banff of Lords Findlater and Macduff with their horses and carriages assisting the towns horses.

They renew the order given last year, empowering Sir Archibald Grant in conjunction with the other heritors of the parishes of Keith, Boharm and Skirdustan to call in the country people and apply the



statute work in making out the road from Keith to Boat of fiddich, allowing for an oversier a sum not exceeding one shilling p. day, and five pounds sterling for tools out of the Highway money.

The meeting desire Rosieburn to write to John Gordon of Cluny, Mr. Hay, son to Rannas, and Mr. Gordon of Glastirum to hasten making out the road that leads betwixt Cullen and ffochabers, agreeable to former orders.

And as the publick road from Banff to Keith falls next to be made out, they name and appoint Lord Deskfoord, Captain John Gordon, John Innes of Edingight, John Innes of Muirymfold and Tochieneal as a Committee to consider the proper way of carrying on the said road, and to report to next meeting.

Continues the order for Troups road in Gamrie parish.

They recommend to Lord Deskfoord and Captain Gordon to consider the proper way for carrying on the road betwixt Portsoy and Strathbogy.

Thereafter there was a state of accompts given in by Alexander Innes, Collector, anent the Highway money and Rogue money as follows:—

#### STATE OF THE HIGHWAY MONEY.

	Dr. Str.	Cr. Str.
To balance in Collector's hands at clearing with him in May 1758 - -	£14 4 7	
To Highway money imposed for the year from May 1758 to May 1759 -	33 0 0	
To do. imposed from May 1759 to May 1760 - - - - -	33 0 0	
1758—July 1.—By cash paid Mr. Hay at Rannas p. rect. - - - -	—	£14 4 7
1759—May.—By do. paid him p. receipt	—	15 0 0
1760—Feb. 14.—By do. paid him p. receipt	—	7 10 6
By Balance due by the Collector - -	—	43 9 6
	<u>£80 4 7</u>	<u>£80 4 7</u>

## STATE OF THE ROGUE MONEY.

To balance in the Collectors hands at clearing with him in May 1758 - -	£14	5	1½
To Rogue money imposed for the year from May 1758 to May 1759 - -	33	0	0
To do. imposed for the year from May 1759 to May 1760 - - - -	33	0	0
By cash paid for mantainance of prisoners, etc., p. accot. - - - -	—	£2	13 8
By do. paid Al. McLean for making the road from Malcolmsfoord to Blacktown p. receipt - - - -	—	18	18 4
By drink money given him at making the agreement for said road - - -	—	0	2 6
By cash paid Al. Moir smith for sharpening tools p. order and receipt - - -	—	0	11 11
By do. paid James Cruickshank for making the road betwixt Blacktown and Banff p. receipts - - -	—	16	8 6
By Alex <sup>r</sup> . Moirs accot. for mending tools for said road - - - -	—	0	4 5
By cash paid Lord Banff p. order and receipts - - - -	—	4	8 0
By expence of advertising this meeting in the Aberdeen Journal by order of the Comm <sup>rs</sup> 30th April 1760 - -	—	0	3 6
By balance due by the Collector - -	—	36	14 3½
	<u>£80</u>	<u>5</u>	<u>1½</u>
		<u>£80</u>	<u>5 1½</u>

The Commissioners approve of the within stated accompts, and discharge the Collector thereof, except the balance found due upon each accompt, which he is to apply as the Commissioners direct.

DESKFOORD.

## ROAD MAKING AND ROAD MAKERS, 1751 TO 1760.

It will thus be seen that since 1751, when the renewed interest in road building set in, after the rising of the Forty-five, down to 1760,

the main lines of road in the more populous part of the shire to the north of Keith were first attended to. To the south of Keith a mere mention only is made of the main road at Drummair from Keith to Balvenie, and a mere intention expressed to spend public money on making it out; while the road from Keith to Boat of Fiddich and the renewal of the bridge there were alone carried on at the county's expense. Just as at the present day, questions of contracting for the work to be done, instead of carrying it out under an overseer or surveyor, and the policy of whether roads should be maintained parochially, or by taking the broader county view, engaged attention. It is interesting to note that the parochial system, favoured in Aberdeenshire, was no sooner adopted with reservations, in 1758, than it was happily given up, at any rate so far as the main lines of road in Banffshire were concerned.

In this Chapter the names of those Commissioners of Supply and Justices of the Peace who initiated and carried on the management of roads and other work of County administration have been given in some detail. This has been done because it may be of some interest to know who, amongst the restricted class eligible, interested themselves in those early days in County government, and were pioneers of the improvements detailed. Even the absence of certain names from the sederunts throws a faint light on the movements of the times. From 1718, or for that matter from 1689 on to 1760, with the solitary exception of the appearance of John Gordon, Bailie of the Regality of Enzie, at the Whitsunday meeting of Commissioners of Supply in 1743, there is no mention of any Duke of Gordon, or anyone on his behalf, attending any County meeting, though the Gordon interest in Banffshire was great. The strong Jacobite leanings of the heads of the House of Gordon, the fact that oaths of allegiance to the new dynasty and abjuration of the exiled Stuarts were required, and the just suspicions of the Government, were enough to debar the Gordons from County or any other administration. George, 1st Duke, held Edinburgh Castle for the exiled James VII. during 1689. He was too old to be out in the Fifteen, and died in 1716. Alexander, the second Duke, was out in the Fifteen as Marquis of Huntly, and fought at Sherrifmuir. He died in 1728. Cosmo George, the third Duke, influenced by his mother, an English Mordaunt in the pay of the Hanoverian government, kept out of the Forty-five, but his Baron Baillies of Stradoun and Strathbogie, the redoubtable Glenbucket and Hamilton in Gibston, and his brother, Lord Lewis, were out. The redoubtable General Gordon of Auchintoul only once looked in at a County meeting in Banff.

On the other hand, the County families who supported the Revolution settlement and the Hanoverian succession, such as the Earl of Findlater and Seafield, Lord Deskford his eldest son, Lord Braco,

Lord Forglen, the Lairds of Troup, Edingight, Glassaugh and Achoynonie, were active in carrying on the government of the County.

Again, there were others who, though they more than once reluctantly no doubt qualified themselves to Government, and voted the annual County supply to King William, Queen Anne and the two Georges, were ready, like Birkenbog, Park, Durn, Buckie, Rannas, Carnousie and Glengarrock in the Fifteen, and like Park, Durn, young Rannas and George Abernethie, eldest Bailie of Banff, in the Forty-five, to strike a blow, so that their Jacobite King might enjoy his own again.

## CHAPTER IV.

### *Commissioners of Supply and Justices of the Peace, 1719-1760.*

THOUGH the preceding chapter, for the sake of unity of subject matter, was confined to Road administration alone, during the same period, 1719 to 1760, other affairs engaged the attention of the Justices of Peace and the Commissioners of Supply of the County. These will be treated in the present chapter as they arise. In regard to the annual imposition of Land Tax and the annual appointment of a Collector and Clerk, there is no necessity for any repeated reference to these matters, unless something new emerges. It is enough to state that the annual Acts of Parliament, imposing the Land Tax, from time to time appointed the Commissioners of Supply by name. After 1707 the British Acts of Supply contained the condition that none of those named Commissioners should be capable of acting unless infest in superiority or property valued in the tax roll of the county at £100 Scots of valued rent. The tendency grew also to appoint, amongst the others named, an ex-officio element, such as the Provost and Senior Bailie of Banff, the eldest Bailie of Cullen, and the Baron Bailies of the various regalities of the County. These ex-officio nominations were independent of a property qualification, and were stereotyped by the Act of 1798, which fixed the Land Tax at a definite sum and made it perpetual. The statement at p. 284 that at the Union the contributions by England and Scotland of Land Tax were stereotyped should be modified. The proportions alone between England and Scotland were then fixed.

#### A CASE OF HAMESUCKEN.

SEDERUNT of the Justices of Peace of Banffshire met at Banff the fifteenth day of May 1719 . . . My Lord Forglan preses.

The sd day the Justices of Peace forsaide, taking to their consideration a complaint given in to them by David Chrysty in Auchmilly, w<sup>t</sup> consent of the Pr<sup>or</sup> ffiscal, agt Hector McKenzie late soldier in the regiment of Brittish ffusileers now prisoner in the tolbooth of Banff, for threatening to murder the compl<sup>r</sup> in his own house under silence of night, and taking from him a pair of shoes and a web of narrow linnen, and for striking the compl<sup>r</sup> with a big tree, for which he was committed to prison by order of a warrand from my Lord Deskfoord, therfor

craving the sds Justices of Peace might appoint the sd Hector McKenzie to make restitution of the sds goods and to punish him corporally, and to find caution of lawburrows to ye compl<sup>r</sup> and free him from maintaining the sd Hector McKenzie hereafter, as the sd complaint bears: The sds Justices of Peace considering that the crymes lybelled being for theft and hamsucken, and so very atrocious, and that nēyr the def<sup>r</sup> nor wittnesses for proving ye crymes were cited to this dyet, they remit the said crymes to be tryed by the Shirreff deput of Banff, and the sd def<sup>r</sup> to ly in prison till his tryal.

#### APPOINTMENT OF A NEW POST FOR THE SHIRE.

SEDERUNT of the Commissioners of Supply of Banffshyre met at Banff the sixteenth day of May Jajvij& and twenty years. . .  
My Lord Forglen preses.

In respect seäll complaints given in agt George Brebner former post for the shyre of Banff for negligence in his office, and that John Cow indweller in Banff has been for some time in the service of the shyre as post to their satisfaction, and that he is recomended both by the Nobelmen and Gentlemen of the shyre and Magistrates of Banff as fit for that office, they name and appoint the said John Cow to be post for the sd shyre from Whit. Jajvij& and twenty to Whit. Jajvij& and twenty one, and apppoint him to have the same sallary that was in use to be paid to ye former post, being two shillings stg. weekly during the sd tyme, he alwise finding cau<sup>n</sup> to serve faithfully in the said office, sd sallary to be imposed and collected with the cess . . .

Banff, 16th May 1721.—In respect that John Cow present shires post has behaved himself honestly and dilligently since his entrie, the Commis<sup>rs</sup> doe therefore continue him for another year after this date, and apppoint him the same sallarie.

Banff, 2nd May 1723.—The post is continued for a year or so much therof as there shal not be a post settled twixt Banff and Aberdeen by the General Postmaster.

#### THE SCHOOLMASTER OF BELLIE.

Banff, 16th May 1722.—The Commissioners having considdered a petition from Mr. Walter Syme, minister at Glass, as commissioned from the presbytery of Strathbogie, representing that there was no

school schoolmaster or sallarie for a schoolmaster settled in the parish of Bellie, and yrfor praying that the Commissioners would stent a sallarie for a schoolmaster to the said parish not exceeding two hundred merks nor under one: They yrfor allowed the presbytery to cite the heritors to compear before the said Commissioners and answer to the sd complaint agt the second tuesday of August next.

This procedure arose out of the enactment for settling of schools, William III., c. 26, 9th October, 1696, which ordained that there be a school settled or established, and a schoolmaster appointed in every parish not already provided, by advice of the heritors and minister of the parish; and for that effect that the heritors and minister in every parish meet, and provide a commodious house for a school, and settle and modify a sallary to a schoolmaster, which shall not be under one hundred merks nor above two hundred merks to be paid yearly at two terms . . ., and that they stent and lay on the said sallary conform to every heritor's valued rent, allowing each heritor relief from his tennants of the half of his proportion. . . . And if the heritors shall not convene or shall not agree amongst themselves, then the presbytery shall apply to the Commissioners of the Supply of the shire, who, or any five of them, shall have power to settle a school, and settle and modify a sallary for a schoolmaster, not being under one hundred merks, nor above two hundred merks,<sup>1</sup> as said is.

No further or more favourable conditions were made for parochial schoolmasters until 107 years later, in 1803, when, on the narrative that schoolmasters in Scotland are a most useful body of men, and their labours have been of essential importance to the publick welfare, it was enacted that their sallaries shall not be under the sum of three hundred merks nor above the sum of four hundred merks Scots per annum, a maximum of £22 4s. 5½d. stg. In 1861, schoolmasters salaries were increased to a minimum of £35 and a maximum of £70. These restrictions were swept away in 1872. Now, in 1918, the recurrent complaint is made that teachers' salaries are still inadequate; and, with the abolition of small parochial School Boards and the institution of County and City School Boards, a new era may open out to that "most useful body of men."

The reason why such procedure was necessary in the case of Bellie parish, lying under the shadow of Gordon Castle, is writ large on the

<sup>1</sup> £11 2s. 2½d. stg.

pages of the Kirk Session records and the minutes of the presbytery.<sup>1</sup> The Duke of Gordon, the predominant and ruling heritor, was "popish." He had no great interest, therefore, in appointing Calvinistic "dominies." In 1720 there was no settled schoolmaster in Bellie. In 1722 the minister narrates in the Session minutes that he was "concerned that popish influence is so great that none of the Duke's people durst sit in and assist the session." Meantime the efforts of the presbytery to settle a schoolmaster were unavailing, as there was neither a legal salary nor schoolhouse at Bellie. In these circumstances they warned the heritors that they would proceed against them in terms of law, and the petition to the Commissioners of Supply was the result. The presbytery appointed a committee to wait on the Commissioners at the diet appointed, in case the Duke of Gordon should not come to reasonable terms. The County minutes are silent on any further procedure, and it is likely that the Duke of Gordon settled a salary and house, because soon after Mr. Innes, former schoolmaster at Rathven, was appointed teacher.

#### IDLE VAGRANTS AND SORNERS.

Banff, 2nd May, 1723.—The Com<sup>rs</sup> do unanimously, in the terms of the act of parliat in that behalf, impose and lay on twelve pennies Scots on each hundred pound of valued rent wtin ye shyre, for maintaining such vagabonds as shall be taken and imprisoned, and appoint the same to be levied w<sup>th</sup> the cess.

Sitting as Justices of the Peace, with Lord Forglen in the chair, the meeting taking to their consideration that the country is much infested with many idle persons and vagrants, that go about under the names of thiggers, beggars and several other pretences, and that their meeting with receipts contributes to encourage them, also that the giving of thiggings was some pretext to these idle vagrants and sorners, ffor remeed therof the Justices of Peace appoint all constables to apprehend all idle persons, vagrants, &c., and carry them to the next prison, and deliver them over to the Magistrates of the town where the next prison is, under form of instrument, that they may be punished as the law directs. Recepters of vagrants are also directed to be apprehended imprisoned and punished. All persons in the shire are prohibited from giving any thiggings under the penalty of twelve pounds Scots to be paid to the informer. This act to be published at each parish church

<sup>1</sup> Dr. Cramond's "Church and Parish of Bellie," pp. 11, 12, 31, 32.



and publictly read by the Ministers or Readers immediately after Divine Service.

The Act for the more effectual disarming of the Highlands, 11 Geo. I. c. 26, on the narrative that, for want of sufficient funds for defraying the cost of apprehending, subsisting and prosecuting criminals, they often escaped the punishment due to their offences, enacted, at section 12, that the Freeholders of counties in Scotland should annually assess at their head courts such sums as would be sufficient for defraying the charges of apprehending of criminals and of subsisting of them in prison until prosecution, and of prosecuting such criminals for their several offences by due course of law, and to and for no other use or purpose whatsoever. In Banffshire these duties were performed all through by the Commissioners of Supply, and not by the Freeholders as such, and there was no necessity in practice, therefore, for the statute of 2 and 3 William IV., c. 65, transferring the powers of Freeholders to the Commissioners of Supply, so far as this duty was concerned. The reference in the Minute to carrying vagrants arrested to the next prison and delivering them over to the Magistrates of the town arose out of the duty placed by the old Scots statute of 1597 upon Royal Burghs to provide and maintain prisons upon their own common good, or otherwise upon the charges of the burgh for the detention of such transgressors of the King's laws, as should be presented unto them by the Sheriff of the shire.

ALEXR. AND JOHN INNES APPOINTED JOINT SHERIFF AND  
J.P. CLERKS.

At a meeting of the Justices of Peace and Commissioners of Supply at Banff on 24th September 1723, Alexander Innes, Writer in Edinburgh, presented a Commission from the Duke of Roxburgh, Secretary of State for Scotland, appointing him and John Innes, yr. of Edingight, conjunct Sheriff Clerks and conjunct Clerks to the Justices of Peace within the Sheriffdom of Banff. The Commission narrates that the Sheriff Clerkship, formerly pertaining to George Leslie of Burdssbank, was now vacant through his resignation, and that the J. P. Clerkship had been these severall year bygone and is presently in vaccancy. Though the appointment was a joint one all emoluments were reserved to Alexander Innes.

RECRUITING METHODS.

SEDERUNT of the Justices of the Peace att Banff the fourth day of May one thousand seven hundred and twenty four years, present William Duff of Bracco and Robert Stuart present Provost of Banff.

Compeared Lieutenant John Grant<sup>1</sup> younger of Ballindallach in Lieu<sup>th</sup>. Generall Coaliers regiment of ffoot in the Scots Brigade in Holland, and represented that he had ingadged Alexander Brown and John Garden, who are presently lying in the Tolbooth of Banff, as vagabonds and louse and idle persons for his Majesty King George service, and that they had frankly and voluntarily accepted of his money and ingadged w<sup>t</sup> him for the sd service w<sup>t</sup>out being in the least threatned or compelled, in presence of Robert Stuart, Provost, James Ogilvie and William Syme, Baillies of the Burgh of Banff, and they being all present did avouch the same. Whereupon the sd Lieut. Grant desired the saids prisoners might be sett at liberty. The Magistrates of Banff are ordained to set them at liberty and deliver them to Lieut. Grant, he giving an obligation to transport them at his own charges and make the country free of them, since they are known to be idle and vagrant persons, wtout lose of tyme.

#### ALEXANDER INNES APPOINTED CLERK OF SUPPLY.

The Commissioners of Supply at their meeting on 7th May 1724, make choise of Alexander Innes Shirriff Clerk of Banff to be their Clerk for the sd year . . .

The Commissioners likeways continue the penny on the hundred pound valued rent for maintaining vagabonds, after they are taken up and imprisoned.

#### THE LOCAL POST OFFICE.

They continue John Cow their post for a year, and allow him two shillings sterling each week for his sallary dureing the sd space, but in case there shall be a post office settled by the Generall Postmaster they appoint that his sallary may be stopt immediatly yrafter . . .

As there is no further entry in the Minutes of any future assessment for the support of the Post, it may be assumed that a Post office was settled by the General Postmaster. The Act anent the Post office passed on 5th July 1695,<sup>2</sup> was an elaborate act establishing a general postal service for Scotland. Like many other Scots acts, however, it was more honoured in the breach than the observance. It seems never to have been applied to the North of Scotland at anyrate. It was followed by the Act 9 Anne, c. 10.

<sup>1</sup> Fraser's "The Chiefs of Grant," Vol. I., p. 520.

<sup>2</sup> The Acts of the Parliaments of Scotland, Vol. IX., p. 417.

## BAILLIE SYME, DEPUTE COLLECTOR.

About this time Baillie William Syme, who acted as Depute Collector for Mr. Andrew Hay of Mountblairie, fell under a cloud. On 2nd October 1724, the Commissioners, on a complaint that he had made undue exactions in his collecting of the cess, appointed a committee to inspect his receipts and compare them with the intimations and cast of the cess for three years last back, and to report to the Commissioners on first Tuesday of April next. At this meeting the committee reported that the shire had been imposed upon by Baillie Syme; and in consequence the Commissioners note the opinion that the shyre has been badly served by Baillie Syme, and think it not proper that he should be any furdur employed in the station of Deput Collector of the Cess.

## ROGUE MONEY.

On 7th May 1725, the Commissioners continue one shilling Scots yearly on each hundred pound valued rent for maintaining vagabonds after imprisonment.

The Commissioners having lykewayes considered the petition given in by James Miln at Miln of Boyndie, Prōr ffiscall of this shyre, for searching for and apprehending the severall vagabonds presently in the Tolbooth of Banff, appoint the Collector to pay to the sd James Mill for his charges and trouble ffifty shillings sterling, to be paid out of the money collected for mantaining the vagabonds, and failling of that fford to be payed out of the Highway money.

There was to come a time when the Commissioners of Supply, without any stricter adherence to statute law, applied Rogue money for the maintenance of roads.

## A MALT TAX PROSECUTION.

On 26th October 1725, the Justices, presided over by the aged Earl of Findlater, sat on an Excise prosecution by Walter Stuart supervisor for Bryan Beattie Collector of Excise against Patrick Thain, Alex<sup>r</sup>. Brodie and oys for arrears due by them for duty of malt that they entered, and agst Wm. Mair, John Robertson and oys for refusing access to their malt barns to the proper officers, when the lybell was thrown out, because the executions were bad.

The extension of the English Malt Tax to Scotland soon after the Union was considered by the Scots an infraction of the conditions of the Union, and was universally resented. It almost brought about the

repeal of the Union in 1713, and the Chancellor Earl, who moved the motion for repeal, no doubt signed the deliverance of the Justices dismissing the complaints with satisfaction. The prosecution probably arose out of the imposition, in 1724, and collection of a tax of 6d. on each barrel of ale, afterwards modified to 3d. on each bushel of malt. This imposition led to the Shawfield riots in Glasgow of 1727.

#### RATE OF MAINTENANCE OF VAGABONDS.

The Commissioners of Supply at their meeting on 5th May 1726, did not impose Rogue money. At a meeting held on 30th September 1726, the Commissioners, considering that there is no fund for maintenance of vagabonds imposed upon the shyre, and that the £39 12 sh. formerly levied w<sup>t</sup> the last years cess was not sufficient for defraying that charge, in respect that the collector has expended the same and thirty nyne pound one shilling Scots of the Highway money, they do therefore impose upon the shyre one hundred pounds Scots for repaying the said sum, the remainder for defraying next years charges . . . .

And they appoint no vagabond that shall be imprisoned shall have above three half pence p diem, and, if the Comm<sup>rs</sup> think fitt, that they may allow them only a pence ster, and are not to exceed three half pence.

#### THE RUNNING OF BRANDY AND THE DRESSING OF LINT.

The Commissioners of Supply on 20th October 1726, under the presidency of Braco, takeing under their consideration the great loss this part of the countrey sustains by running and selling such quantitys of brandie therein, have firmly resolved to discourage that practise for the ffuture, by giveing all the assistance in their power for making the laws and acts of parliament yranent effectual, and have therefore come to the following resolution, that from and after the first of Aprile next they will drink no brandy by itself in any mixture in any publick house, . . . and will give every other encouragment and assistance in their power to every tennent or servant wtin their rexive bounds, who shall either seize or inform of brandy running and transporting thorow any part of the countrey . . . .

And whereas there being a book published att Glasgow, containing directions for propogateing and dressing lint, &c., the Commissioners think it will be very usefull for the countrey, and yrfore have lodged a copy of it wt their clerk, and appoint him to agree wt a printer for

printing ffive hunder coppies and to pay yrfore, and to give each gentleman in the shyre such a number of the sds coppies as they shall desire, upon their receipt oblidging themselves to pay what the Commissioners shall demand for the same.

At page 290 will be found a reference to the Act of 1711 passed in Queen Anne's reign to prevent abuses in the manufacture of linen. Prior to that date much legislation had been passed by the old Scots Parliament for the purpose of regulating its manufacture, and promoting its sale at home and export abroad. Legislation in 1641 and 1661 was followed by the Statutes of 1686, 1693 and 1695, which, to encourage the manufacture, enacted that, with certain exceptions, the bodies of all persons should be buried in plain linen only, spun and made within Scotland. Certain standards were at the same time enacted of length, breadth and texture; and rules were laid down for the Royal Burghs stamping all linen, if conform to the standard, before sale. In 1710 the quantity of linen produced in Scotland was 1,500,000 yards, and the export to England in 1720 was valued at £200,000; and now in 1726 there arose a strong movement in Scotland for the greater promotion of linen manufacture. This movement was further fostered by the establishment in 1727 by the government of a Board of Trustees for the encouragement of Manufactories and Fisheries, though the linen manufacture was so widespread as to extend more or less that year to twenty-five Scots counties. Under the stimulus of premiums offered by the Board for the encouragement of linen manufacture, exports rose from 2,183,978 yards in 1727 to 12,823,048 yards in 1764.

In Banffshire, linen manufacture was so far established that on 10th August 1728, the Magistrates of Banff appointed intimations to be made throughout the haill parioch kirks of the shyre that upon Thursday the 29th of August the competition for the respective best linen webs in termes of the Secretaries letter will be made at Banff.<sup>1</sup> In a letter from the Magistrates of Banff to the Trustees for Improving Linen and Woollen Manufactory, of 6th February 1741, they say:—Some months ago wee gave you the trouble of a letter anent Mr. Hay, who sett up lately in this place as a Weaver and Heckler. We now begg leave to renew our application in his favours as being a young man who understands exceeding well the weaving all sorts of plain linnen and dressing of lint, of which he has given very sufficient proofs. He likeways gives out his lint when dressed for spinning, and has . . . this last winter employed upwards of 200 poor people that way, and

<sup>1</sup> Cramond's "Annals of Banff," Vol. I., p. 199.

gives such directions to the spinners that the yarn they spin to him is far preferable to any they formerly made, so that he will be of considerable use in advancing and bringing to greater perfection our linnen manufacture in all its branches, if he meet with proper encouragement.<sup>1</sup> Reference has already been made at p. 382 to Lord Deskford's promotion of flax growing and linen manufacture at Cullen, c. 1752. When Bishop Pococke visited Banff in 1760 he states that—Near the town is a yard for bleaching linnen yarn, of which a load is sent off every three weeks to Edinburgh, and from that place is carried on to Nottingham by land. . . . The town subsists by this linnen yarn and shops.<sup>2</sup>

#### MEASURES TO PREVENT BRANDY RUNNING.

The resolution of 1726, and the measures then taken against brandy running and smuggling seem to have been of little avail. Braco, now a member of Parliament, again on 27th October 1730, in furtherance of Walpole's excise policy, and the policy of protecting home products, led the Justices in quarter sessions, three all told, in another pious resolution, which was advertised throughout the county:—

The Justices considering the many and pernicious effects of the clandestine importation and the open and excessive consumption of brandy within Scotland, and that great sums of money are dayly exported for purchasing the same, which being run without payment of any duty is sold cheaper than spirits distilled at home can be afforded for, which proves a total discouragement of our own manufacture, and must of consequence lessen the price of all grain, . . . thus reducing the funds out of which all bounties for the exportation of fish and corn are payable, and that the constant frauds committed in the running trade have been extremely hurtful to fair traders, tending to the ruin of the whole country, the Justices in terms of 6 Geo. I. c. 21 discharge all merchants from importing keeping or selling brandy, unless entered at the next office of excise . . .

The Justices have desired the Collector of the customs and excise to give in lists to them of the names designations and places of abode of all merchants within the shyre, that do or are suspected to deal in the said trade, and a list of all persons that sell ale, wine, brandy or

<sup>1</sup> Cramond's "Annals of Banff," Vol. I., p. 214.

<sup>2</sup> Tour through Scotland (Scot. Hist. Society).

other liquors and keep publick houses, . . . and promise that all due encouragement will be given to the discoverers and prosecutors of those that unlawfully sell, keep or import brandy; . . . and they doe further recommend to all Heretors, that in all tacks set by them to any person keeping a publick house, there shall be a condition that they shall sell no brandy, but what is imported conform to law: With certification to all cariers, fishers, boatmen and others employed in running brandy, that their horses and boats will be seized and themselves punished. . . . Declaring their great satisfaction in their tennents to inform and assist the officers of his Majestys revenue for discovering any such abuses.

It is to be noted that for many a year the satisfaction of Braco and his two friends on the bench, Monblairy and the Provost of Banff, could not have been great, for brandy running, free trading and smuggling generally were very common in Banffshire as in other Scots counties. The smuggling episode in the story of the Porteous riots of 1736, told in the "Heart of Midlothian," is typical of the period.

#### ALEXANDER INNES APPOINTED COLLECTOR—CESS ROLLS.

The meeting of Commissioners of Supply to impose the cess of 1727-8 should have been held on 6th June, but, owing to a neglect on the part of the Sheriff, was only convened by a quorum of their number on 4th July 1727. Those present, presided over by Alexander Garden, Senr. of Troup, having duly qualified to the new sovereign, re-elected Alexander Innes Clerk of Supply, and elected him Collector in place of Mountblairy, at salaries of 300 and 600 merks respectively. This salary was in 1731 for the first time expressed at £50 in sterling coinage. The amount of cess imposed, including salaries and highway money, showed £2 9s. 10d. quarterly on every £100 of valued rent. Contemporaneous with the appointment of a new Collector is found the oldest extant cess roll of the County. These rolls, which embody the old, 1690, valued rent roll of the County, extend from 1727 consecutively to 1764, with the exception of the roll for 1745, which, for obvious reasons, is missing. There are odd rolls also for 1779 and 1791.

#### ROGUE MONEY AND PARISH CONSTABLES.

The assessment imposed to subsist vagabonds in prison, first called Vagabond, and later Rogue money, for some time varied in amount and in the regularity of imposition. In 1727, 1728 and 1730 it was not imposed. On 6th June 1729, sixteen pennies Scots were imposed on each £100 of valued rent, and in 1731 one shilling Scots. For the

next nine years, until 1740, the Rogue money assessed was annually stated at the aggregate sum of £40 Scots. In 1740 the money was ordered to be disbursed at the rate of one shilling Scots per diem to those imprisoned for capital crimes or as vagabonds.

At Banff 2nd March 1731, the Justices, James Abercromby of Glassaugh presiding, having considered that there are no constables named for the parishes of Botriffnie, Mortlich, Aberlour and Boharm, and that the want of these occasions vagabonds and sorners to frequent these places, and the several kirk sessions of these parishes to abstract the payment of their reixive proportions of the stent imposed upon them by the sds Justices for maintainance of the sds vagabonds and others in prison, doe therefore recommend to Achoynonie, Tullich, Newtown and Lesmurdie to appoint constables in these parishes with all convenient dilligence, and to take the advice of the severall kirk sessions anent the properest persons within the sds parishes for that purposes, and to oblige the sds constables to accept in terms of law in case of refusall.

At Banff the 31st May 1738, the Justices, Lord Braco presiding, appointed James Duff, Town Clerk of Banff, as Prör ffiscal to the Justice of Peace Courts.

The Justices considering the great inconveniences that dayly happens in executing their decrees and sentences for want of a competent number of constables, do therefore nominat and appoint the persons afternamed to be constables in the sēall parishes afterment<sup>d</sup> viz.—

Alexander Miln at Mill of Alva for Alva, George Webster in Kirkton of Forglen for Forglen, James Petrie in Inchdruer for Banff, William Strachan in Buchraigie for Boindy, William Leg in Achmore and James Wood yor. in Hillside for ffordyce, George Reid in Broom of ffindlater also for ffordyce, with full powers, also William Taylior in Newtown of Park for Ordequhill, and for their encouragement they are hereby excused from any trouble or expense in repairing the high roads of the shire during the time they continue constables.

Three years later, on 7th April 1741, the Justices considering that they have not as yet named constables in the county to execute their warrands and doe office incumbent on constables, which is frequently a loss to the liedges, they therefore doe hereby name and appoynt following as constables persons to the Justices wthin this County, vizt. :—



James Longmuir in Portsoy, John Reed in Miln of Durn, Peter Wood in Muir of Glassa and John Davidson at Miln of Towie, all in ffordyce parish; George Robieson in Bankanentim and Jo Strachan at Burnmouth in the parish of Cullen; David Wilson in Gardenhead of Park and John Coupland in Park, in the parish of Ordiewhill; Robert Cumming in Raws of Banff, George Gairden at Blairshinnoch and George Miln in Paddocklaw in Banff parish; Alex<sup>r</sup>. Miln at Miln of Alva, John Rudieman in Boig of Monblairy and James Wilson in Newtown in Alva parish; Thomas Robertson in Scotstoun and George Webster in Kirktoon in fforglane parish; John Miln in Monblaiton, Alex<sup>r</sup>. Strachan in ffinnon and John Piper in Oldtown of Melross in Gamrie parish, w<sup>t</sup> full power to them.

During this decade the annual imposition of cess was diversified by nothing more stirring than that the Collector, Alexander Innes, Provost of Banff from 1735 to 1738, was named a Commissioner of Supply in 1737, and was allowed, on 26th May that year, if he thought fit, to employ Robert Innes, writer in Banff, to write and do for him as clerk.

#### SPLITTING OF CUMULO VALUATIONS—VALUATION OF 1679.

The duty of the Commissioners of Supply in valuing the lands of Banffshire was completed under the Acts of 1667 to 1690 in the years 1679 and in 1690. Thereafter the valuation of the County was stereotyped, and the simple duty of properly splitting cumulo valuations on sale or alienation remained. These splittings now became common, because an artificial manufacture of votes on the very limited Scots Parliamentary franchise, on the advice of feudal conveyancers, was rising to an art in the hands of a few large landed noblemen, who dominated or sought to dominate Scotland politically. William Duff, Lord Braco, was pioneer in this political game in Banffshire.

• At Banff, 4th October 1733, present Bracco, Troup, Crombie, Achonany, Glassaugh and Montblairie, Troup preses—the six Commissioners of Supply, having considered a Disposition by Thomas Donaldson of Kinnairdie [brother-in-law of Braco] to his son William, of the lands and barrony of Netherdale and certain other lands dated 1st June 1733, declaring that these lands and the lands and barrony of Kinnairdie remaining with Thomas Donaldson were of equal rent, and valued in the County valuation books at £1033 Scots, and that William Donaldson relieved his father of £516:10/- Scots. half of said valuation, split and apportioned the said cumulo accordingly. An extra vote was thus created.

The same day, on a crave that the lands of Mosstown in Grange were in use to pay cess at the rate of £45 Scots of valued rent, and on production of a missive letter by Alexander Duff of Hatton [Braco's cousin], and Edingeith, to the Collector, and of a Disposition of the lands by Edingeith to Hatton, instructing the same, the Commissioners continue the said valuation of £45 Scots. Edingeith's valuation of £500, though thus reduced by £45, still maintained a vote; and the £45 acquired was added by Alexander Duff of Hatton to his valuations of Dounies £133, and Auchinhamper £266, in Inverkeithny, to take him beyond the charmed £400 Scots, and give him a claim to a vote.

The same day, on a Disposition dated 13th June 1733, by Charles Hay of Rannas to his son Andrew Hay of part of the Barrony of Rannas, declaring the valued rent of said lands to be £550 Scots, the Commissioners continued the valuation of Muldavit at £210 Scots, and ordained the Collector to state £310 on the lands of Connage, Wester Freuchnie, Nether Freuchnie, Carnoch, Scotstown, Muiry Crook, etc., in all £520 stg. belonging to Andrew Hay. The sum of £900 was stated as the remainder on Charles Hay's remaining lands. Thus was a claim to another vote laid.

On the same day, a Disposition by William Duff of Bracco to Thomas Innes of Muryfold of the lands of Cullen of Gamrie, etc., dated 13th June 1733, declared the valued rent £460 Scots. These lands were formerly valued in with Montbletton and some other lands at a cumulo of £1420 Scots. The Commissioners apportioned £460 Scots on the lands of Cullen, comprehending Whitestones, Burnside, Bloodymyre and Mossend, and £960 Scots on Montbletton and other lands. Thus was a claim to another vote laid for a doer of Braco.

The above method of splitting old valued rent cumulos in accordance with declarations contained in the deeds of alienation, instead of on a solemn proof of value, was soon abandoned as of doubtful legality.

The minute of Commissioners of 16th May 1741, arising on a petition by Lord Braco, discloses the important local fact that there was a valuation of the County in 1679, followed by the extant one of 1690 given on pages 269 to 280. In 1679 the lands of Allachie, it is narrated, were valued at £100, Ruddrie £320, Drumfurich £250 and Belmarion £40—in all £720. These lands, by the revaluation of 1690, were valued in cumulo at £437. The lands of Allachie and Belmarion were wadset lands, Belmarion being redeemed by the Duke of Gordon, and Allachie like to be soon redeemed by the Laird of Grant. Braco asked for a remit to some of the Justices to take up a judicial rental of said lands, and to proportion the rental conform to the valuation of 1690. Remit was made to Alexander Stuart of Lesmurdie and Francis Stuart younger of Lesmurdie accordingly, to report betwixt and Thursday next. No farther action seems to have been taken in this matter,

## DEARTH OF 1740-1.

An echo of the bad harvest in Scotland of 1740 is heard in the minute of the Justices at Banff of 21st March 1741. The meeting, presided over by Lord Braco, considering the present calamities of the country occasioned by the dearth and scarcity of victuall, and the many inconveniencies that arise by the ffarmers and others keeping up their victuall and of the practice of buying country bolls, which hinders bringing the same to publick mercat, discharge the exportation of any victuall and the buying or selling of all country bolls, except what is necessary for their own families, and what is brought to publick mercat, until Thursday the sixteenth April next, when a general meeting of the whole Justices and Heretors will be held.

That meeting was held on 6th May 1741. After mention of the great dearth and scarcity of victuall and the present dismall situation of the country, it was put to a vote if the prohibition of exportation of any meall, bear, oats or grain out of the country be continued until 29th May current. Carried by a majority not to continue the prohibition.

## SPLITTING OF VALUATION OF ACHYNDACHY.

At Banff, 13th November 1741, the Commissioners of Supply, on the petition of Lord Braco, split the cumulo valuation of £600 Scots on Achyndachy and Upper Achanacy, in Keith, according to their respective real rents, as ascertained in a judicial rental taken up by Thomas Innes of Muiriefold, one of the Justices of Peace and Commissioners of Supply of the shire. This judicial rental showed Achyndachy worth £911 9s. 10d. Scots and Upper Achanacy £496 8s. Scots; and the Commissioners accordingly apportioned £388 9s. Scots of the cumulo on Achyndachy, and £211 11s. Scots on Upper Achanacy. This splitting of the cumulo was, however, not acted on.

## CONTESTED ELECTION OF CLERK AND COLLECTOR.

ATT Banff the first day of June one thousand seven hundred and fourty two years. Convened Commissioners of Supply aftername to witt William Lord Braco, Sir William Gordon of Park, Sir William Dunbar of Durn, Sir Alexander Reid of Barra, George Gordon of Buckie, Alexander Gairden of Troup, James Leslie of Tullich, Alexander Stuart of Lessmurdie, Francis Stuart of Lessmurdie, younger, James Abernethie of Meyan, John Innes of Edingight, John Innes of Edingight,

younger, Andrew Hay of Rannas, yor., Andrew Hay of Montblairry, Alexander Gordon of Cairnfield, Patrick Gordon of Ardmeallie, John Johnstown of Elrick, Alexander Abernethie of Corskie, Alexander Duff of Hatton, William Leslie of Melross, Alexander Keith of Northfield, Alexander Innes, Provost of Banff for the time, Thomas Innes of Muiryard, George Joass of Colleonard, Thomas Stuart of Bogg, Mr. Alexander Chalmers of Clunie, Robert Innes of Culvie, Alexander Anderson of Newtown, Walter Ogilvie of Badenspink, Alexander Gordon of Edintore, George Abernethie, as Eldest Baillie of Banff, and James Duff, another Baillie, likewise claiming a vote as Eldest Baillie . . . . John Ord of findochtie claiming as Eldest Baillie of Cullen.

This meeting was an important one in point of the number of Commissioners attending and otherwise. A strong attempt was made at it to unseat the old Clerk and Collector, Alexander Innes, who had served the county since 1724, and who took his part in the meeting as Provost of Banff. The din of the strife can even yet be faintly heard in the county chronicle; but there is no disclosure of the underlying motive. Who was the mainspring of the movement the minute does not specifically disclose. At any rate, James Abernethy of Mayen was in the front, and active in taking objections to the status of known supporters of the Clerk and Collector. The sederunt was no sooner taken than he objected to Baillie George Abernethie's status as Eldest Baillie of Banff, alleging, amongst other reasons, that so sensible was the Provost [Alexander Innes] that James Duff was the Eldest Baillie that he solicited for his vote after a very strong manner. On the other side, Alexander Innes, Clerk and Collector, sitting as Provost of Banff, had no compunction in fighting for his own hand. He objected to John Ord's status as Eldest Baillie of Cullen on the ground that William Ord held that position. In course of the arguments adduced for John Ord, the following peculiarity in regard to Cullen was noted—By the sett of the Burgh of Cullen no Provost can be elected, and for that reason there is an absolute necessity, as indeed the practice has been in that Burgh to choose one yearly at Michaelmas, who goes under the name of Eldest Baillie, and the practice of this Eldest Baillie has been to call Councils and to do every other thing that any Provost can do in any other Burgh.

No determination was come to regarding these objections at this stage, though the objection to John Ord was not afterwards insisted on.

The meeting then proceeded to elect a Chairman; and Sir William Gordon of Park and Patrick Gordon of Ardmeallie were voted on. The strength of the contending parties was seen in this division, the supporters of the Clerk and Collector voting for Ardmeallie, with this exception, that Sir William Gordon and Ardmeallie courteously voted the one for the other. For Sir William Gordon of Park there voted—Lord Braco, James Leslie of Tullich, Alexr. Stuart of Lessmurdie, Francis Stuart of Lessmurdie, James Abernethie of Meyan, Andrew Hay of Rannas, yor., Andrew Hay of Montblairy, Patrick Gordon of Ardmeallie, William Leslie of Melross, Thomas Innes of Muiryfauld, Alexander Anderson of Newtown, Alexr. Gordon of Edintore, John Ord of ffindochtie, Eldest Baillie of Cullen, James Duff, merchant in Banff, as Eldest Baillie yrof—fourteen.

For Patrick Gordon of Ardmeally there voted—Sir William Gordon, Sir William Dunbar of Durn, George Gordon of Buckie, Alexander Gairden of Troup, Sir Alexr. Reid of Barra, John Innes of Edingight, John Innes of Edingight, yor., Alexr. Gordon of Cairnfield, John Johnstown of Elrick, Alexr. Abernethie of Corskie, Alexr. Duff of Hatton, Alexr. Keith of Northfield, The Provost of Banff, George Joass of Colleopard, Thomas Stuart of Bogg, Robert Innes of Culvie, Mr. Alexr. Chalmers of Clunie, Walter Ogilvie of Badenspink, George Abernethie, mercht. in Banff, as Eldest Baillie yrof — nineteen. Ardmeallie was accordingly elected preses.

At this stage of the meeting the whole members named in the sederunt, except Sir William Dunbar of Durn and Mr. Alexander Abernethie of Corskie, qualified in terms of law, taking and swearing the oaths of allegiance and assurance. These two, who failed to qualify, voted in none of the succeeding divisions, and it is possible that they may have been induced by the opponents of the Clerk and Collector to leave the meeting. The Commissioners then proceeded to purge the roll, and Baillie Abernethie was, by a majority of three, admitted. Sir William Gordon at this point insisted that the names of all persons voting should be taken down, and that the Chairman had no vote, except a casting vote upon an equality. These views were rejected, and the meeting agreed, by 16 to 13 votes, that the Chairman had a deliberative vote, and by a great majority that he had a casting vote as well, in case of equality.

Meyan now took up again the tale of exceptions, and objected to Sir Alexander Reid's title to vote as owner of the lands of Forglane. Barra's title was, however, sustained by a majority. Alexander Innes,

Clerk and Collector, as Provost of Banff, thereupon took objection to his relative, Muiryfauld's, title. Thomas Innes was factor to Bracco, and was evidently known to be opposed to the Clerk. Muiryfauld explained that he claimed as Baillie of the Regality of Strathisla, an office held by him these twenty-four years past, and as such named a Commissioner of Supply these seven or eight years past, and not as infest in property or superiority of any lands in the county. But the objection that he was not designed as Baillie in the act of supply was sustained by 14 to 12 votes.

On the preliminary objections the Clerk and Collector had scored a victory. The election of Clerk of Supply was then proceeded with. There voted for Alexander Innes 16, and for Alexander Stronach, Notar Public, 13. The voting was the same as for Chairman, with these differences:—Ardmeallie and Park voted for Alexr. Innes and Alexr. Stronach respectively, Corskie and Durn did not vote, while James Duff and Thomas Innes, against whose qualifications objections had been sustained, offered their votes, which were disallowed, to Alexander Stronach. On the vote for Collector, Alexander Innes was appointed by 17 votes to 12 votes given for Alexr. Abernethie, merchant in Banff, the vote being the same as for the clerkship, with this exception, that Mr. Alexr. Chalmers of Clunie voted for Mr. Innes.

Nor was this the end. Meyan intimated that a summar complaint was to be given into the Lords of Session against these appointments. Moreover, on the question of the Collector's and Clerk's salary, Sir William Gordon renewed the contest by moving an amendment that Mr. Abernethie and Mr. Stronach, the Collector and Clerk voted by him and the oyr Commissioners of his side of the question, should have the salary proposed to be given to Alexr. Innes, but was defeated by 17 votes to 12.

A suspension was raised in the Court of Session, and the Court, on 30th July 1742, decided that the question of the legality of the appointments could only be competently raised on an action of reduction.<sup>1</sup>

#### CONVENER.

At this meeting the Commissioners unanimously nominate Patrick Gordon of Ardmeallie to be their Conveener for this current year, with power to call a meeting of the Commiss<sup>rs</sup> from time to time, as he shall see cause.

Banff, 18th May 1743. — The Commissioners continue Patrick Gordon of Ardmeallie to be their Conveener.

<sup>1</sup> Lord Elchies' Decisions under Commissioners of Supply.

The oldest recorded Convener of Banffshire was the laird of Achmedden, Shirreff Prin<sup>1</sup> or his depute in 1670,<sup>1</sup> followed by the Duke of Gordon in 1685.<sup>2</sup> The Cess Act of 1689 instructed the Commissioners of Supply to meet to impose the cess and to name a Conveener.<sup>3</sup> From 1689 to 1703 the Convener, if not in name, was *de facto* the Earl of Findlater, who seems to have had general direction of the affairs of the Commissioners, and presided at all the meetings he attended. From 1703 to 1706 Lord Boynd<sup>4</sup> was similarly *de facto* Convener. The Cess Act of 1706 again authorised Commissioners of Supply from time to time to appoint a Convener. After the union, the method obtained for some considerable time of not naming any commissioner Convener. From 1709 to 1721 Lord Deskford was mostly *de facto* Convener. It is only in 1730 that we find from the minutes a formal appointment. On 9th June 1730, the Commissioners name Bracco for yr Convener.<sup>5</sup> That appointment had evidently after a time lapsed, for at Banff on 30th September 1737 . . . . the Commissioners further considered the loss they are at by not having a Conveener named at their Generall Meeting, therefore the Commiss<sup>rs</sup> present unanimouslie make choise of my Lord Braco as their Convener, with power to him to call a meeting of the Commiss<sup>rs</sup> upon any emergency. Here we have the root idea of the appointment, the convening of meetings. The Convener therefore did not necessarily preside at meetings, and on 1st October 1742, though he was Convener, and present at the Commissioners' meeting that day, Ardmeallie did not preside, Sir Robert Abercrombie of Birkenbog being chosen preses. In course, however, the Convener, whose appointment was an annual one, always presided at meetings of Commissioners of Supply. On 17th May 1745, Sir William Gordon of Park was appointed Conveener for this current year.

#### ROGUE MONEY.

Rogue money, dispensed with in 1744, was again, on 17th May 1745, reimposed. They [the Commissioners] also impose the fourty pounds Scots, for maintenance of vagabonds and idlers after imprisonment, because they apprehend that the dearth of victuall this year may occasion many of these idle vagrants sorning upon the country.

#### THE CESS OF 1745.

The Commissioners find that the Land Tax imposed for this current year, together with Highway and Vagabond money, including

<sup>1</sup>See p. 147. <sup>2</sup>See p. 149. <sup>3</sup>See p. 160, etc. <sup>4</sup>See p. 261-2 and 268. <sup>5</sup>See p. 354.

the Collectors and Clerks salary effects each £100 Sc. of valued rent quarterly with the sum of £3 8s. 4d. Scots.

The year thus ushered in amid signs of dearth, went out in the red ruin of civil war. From 9th September, when Sir John Cope passed from Banff on his way to his defeat at Prestonpans, to March 1746, with the exception of a few days about 18th December, when McLeod and his Hanoverian Highlanders passed through Banff to defeat at Inverurie, Banffshire was held solidly for Prince Charlie. The Jacobite Lord Lieutenant, Lord Lewis Gordon, not only collected the cess or land tax, but also collected levy money at the heavy rate of £5 stg. on every £100 Scots of valued rent in lieu of a soldier, and quartered on lands in cases of refusal to pay or provide the man.<sup>1</sup> The Cess Roll of 1745 alone of that decade is not extant, and may have disappeared in consequence of the troubles.

Banff the seventeenth day of May one thousand seven hundred and fourty six years. Att a meeting of the Commissioners of Supply of the County of Banff. Convened—Alexander Gairden of Troup, Peter Gordon of Ardmeallie, Alexr. Gordon of Cairnfield, John Innes of Edingith, George Joass of Colleopard, Alexander Keith of Northfield, Robert Innes of Culvie, Walter Ogilvie of Badenspik, Alexander Hary Gordon of Muiraik, James Innes, Provost of Banff, George Gairden, Eldest Baillie thereof, and John Ogilvie, Baillie of the Regality of Ogilvie—Troup being chosen Preses.

The said day, the above-named gentlemen Commissioners of Supply of said county being all formerly duly quallified except the said George Gairden, he was in presence of the said Commissioners duly quallified in terms of law by swearing and subscribing the oaths of alleadgeance and assurance. The Commissioners haveing laid before them a letter from Mr. Allan Whitefoord, Generall Receiver of the land tax, dated the 7th May current, desireing that they may take such measures at their first meeting that the cess of the year 1745 and preceedings as also the cess of this current year, be regularly paid up, and that if they think proper a committee may correspond in order ye better to carry their resolutions into due execution, and to prevent the charge and trouble of sending a party upon the shire.

<sup>1</sup> Fraser's "The Chiefs of Grant," Vol. II., pp. 188 and 211. Also A. & H. Tayler's "Book of the Duffs," Vol. II., pp. 382-7.



The Commissioners taking the said letter to consideration, and having also considered that during the rebellion in this country the rebels had by force and violence compelled the heretors and others lyable in payment of the cess within this county to pay to them the December cess last and all preceedings, and that severall others had also by force been obliged to pay up to them the March cess last, they therefore name the following gentlemen as a committee of their number, to wit Lord Braco and all the gentlemen present, or any three of them, to be a quorum in order write a proper answer to Mr. Whitfoords letter, after haveing got notice of the resolutions of the county of Aberdeen anent that matter, whose practice in the present case they think it proper to follow: And they name and appoint Mr. Gairden of Troup to be their Conveener for the ensuing year, and recomend to him to write to and correspond with the Conveener of the Commissioners of Aberdeenshire to know what resolutions have been taken in that county in relation to the cess, which has also been forced by them from the rebels, and after receiving such answer they empower Troup to call a meeting when he pleases in order to lay the same before the Committee that the necessary directions may be given by them, and whose directions the Collector of Supply is hereby desired to follow . . . Land tax sallarys, highway money and vagabond money do altogether affect each £100 of valued rent quarterly in the sum of £3 4s. 8d. Scots.

#### HIGHWAY AND VAGABOND MONEY LAID ASIDE.

Banff, 14th May, 1747.—Att a Meeting of the Commissioners of Supply of the County of Banff . . . In respect of the late troubles and the poverty among the tennants, they have resolved to lay aside highway and vagabond money for the current year.

The Collector produced discharge under the hands of George Innes, Receiver depute, for the land tax due out of Banffshire for the year Jajvii<sup>c</sup> and fourty-five, and was asked to lay before the shire and instruct what further payments he has made for the year 1746.

#### WINDOWS AND LIGHTS.

And whereas by an act passd this present session of Parliament, it appears there's a certain duty laid upon all windows and lights, and

whereas the Commissioners of Supply of this county have never had a meeting since the commencement of said act till now, they therefore adjourn . . . until they have further advice thereanent of the practice of the kingdom in other counties and untill there is a fuller meeting. . . .

The act referred to, 20 Geo. II. c3, repealed all former acts, and imposed in Scotland on houses of 10 to 14 windows a duty of 6d. on each window, on houses of 15 to 19 windows a duty of 9d. on each window, and on houses of 20 windows and upwards a duty of 1s. on each window. The Commissioners of land tax were appointed Commissioners for the act, with power to them to fix the time and place of meetings, divide the shire, appoint Assessors and Collectors, and pay them allowances.

On 15th July 1747, the act of Parliament had not come to hand, and the Commissioners met on 22nd July, Lord Braco preses. They at once divided the shire into three Districts, and appointed Banff, Cullen and Keith as the places of meeting, the following parishes to be in the Banff District, to witt, Banff, Alvah, Forglane, Inverkeithny, Aberchirder, Gamrie, St. fergus, ffetterangus and Straloch; and in the Cullen District, the parishes of Boindie, Fordyce, Deskford, Cullen, Rathven and Belly; and in the Keith District the parishes of Ordiewhill, Rothiemay, Gartly, Grange, Keith, Boatrifnie, Boharm, Mortlich, Skirduston, Inveravine and Kirkmichael; the Commissioners of each of the above districts to meet upon last day of July to name the severall assessors, and to report fit persons for being Collectors of the rates and duties . . . ; and appoint the said resolutions to be published at the several parish churches Sunday next, and they recommend to the Commissioners of each District to name a constable in each parish as a guide and assistant to the Assessors and Inspectors.

On 31st July 1747, the Commissioners appointed the following Assessors to view, inspect and assess the severall houses within the Banff District: — Mr. George Malcolm, Schoolmaster in the parish of Gamrie, Mr. John Smith, Schoolmaster at Marnoch, and James Glen in Blacktown, or any two of them for the parishes of Banff, Gamrie, Alvah, Forglane, Inverkeithny and Marnoch; Mr. James Reid at St. fergus, ffactor to the laird of Troup, and Mr. John Henderson, Schoolmaster at St. fergus for the parish of St. fergus and lands of ffetterangus; and James Elder, Robert Warrox and Andrew

Longmuir, indwellers and posts in Banff, for the lands and barrony of Straloch, in the parish of New Machar, and granted warrants to cite them to appear before the Commissioners and qualify. These accepted and qualified on 11th and 14th August 1747.

The net made by the act was not small enough in the mesh to catch all, and an amending act, 21 Geo. II, c 10, was passed in 1748, withdrawing from the Commissioners power of enlarging or abating assessments, making rates in Scotland payable at Whitsunday and Martinmas, and stopping evasions of the tax by including skylights and enacting that contiguous houses though not under the same roof, if really one, should be counted one, etc. The same procedure was again adopted on 26th July 1748 as in 1747, and the following were appointed assessors—James Glen in Blacktown, Mr. John Smith, Schoolmaster at Marnoch, and Mr. George Malcolm, Schoolmaster in Gamrie, for Banff, Gamrie, Alvah, Forglane, Inverkeithny, Marnoch, Rothiemay, Grange and Gartly; John Garrow in Belnacoul, John Green in Whitehouse of Edinville, William Green in Mains of Kinermonie, and William Anderson in Killtack of Kinermonie, all in Aberlour for Keith, Boatrifie, Boharm, Mortlich, Aberlour, Kirkmichael, and Inveravine; Alexander Monro in Backlaw, Mr. Alexander Longmuir, Schoolmaster at Boindie, and Alexander Stuart in Nether Dallachie for Boindie, ffordyce, Ordiewhill, Deskford, Cullen, Rathven and Bellie, who being all present accepted, and were duly qualified to his Majesty King George the second . . . taking the oath de fidei in their office. They were given a paper of instructions, and were directed to give in reports to the Commissioners on 9th August 1748.

The previous assessors for St. fergus and lands of fferterangus and for Straloch were reappointed, with the addition of William Lillie, at the Kirktown of St. fergus.

On 9th August 1748, the assessors for Banff, Alvah, Forglane, Gamrie, Marnoch, Inverkeithny, Rothiemay, Grange and Gartly reported assessments amounting to £14 11s. sterling, Gartly having no assessable houses. The Assessors for Boindie, ffordyce, Cullen (the Town of Cullen excepted), Deskford, Rathven and Bellie reported £23 3s. 6d. sterling, Ordiewhill having no assessable houses. The assessors for Keith, Boatrifie, Boharm, Mortlich, Aberlour, Inveravine,

and Kirkmichael reported an assessment of £4 8s. 3d. sterling. For Straloch only one house, that of Straloch, of twenty-one windows, assessment £1 1s. sterling, was reported. The assessors for St. fergus and fletterangus not having compeared to qualify were cited of new for that effect to Banff, and to complete the survey and assessment of the whole shire.

Robert Innes, Town Clerk of Banff, appointed Collector of said assessments, at the sallary appointed by the Act of Parliament.

On 10th January 1749, the following were appointed assessors of Windows and Lights for Banff District:—James Ramsay, Schoolmaster, Alvah; George Grant in Clayfolds, William Wintown at Kirktown of Alvah, James Wilson in Newtown of Montblair; for Cullen District:—George Grant in Clayfaulds and James Miln at Miln of Boindie, and likeways Charles Burges in Clashdore and William Stuart of Hillockhead for the Keith district; and James Elder and Andrew Longmuir, posts in Banff for the barrony of Straloch, John Henderson and William Lillie for St. fergus and fletterangus.

John Grant, in Mains of Minmore, Inveravine, and John Riach in Tamachlaggan, Kirkmichael, duly summoned to compear this day and place to accept and qualify as assessors, failing to compear, are fined each in the sum of ffive pounds sterling for their contempt and disobedience.

Banff, 25th Janry 1749.—The Assessors for Banff District report the assessments upon windows and lights for the current half-year at £8 10s. 9d. stg. The Assessors for Cullen District report the assessments at £12 6s. 4d. stg.

Banff, 28th January 1749.—The Assessors for the Keith District report assessments amounting to                      sterling. Adjournment made to 11th February to receive reports from St. Fergus and Straloch, which are not minuted.

The interest of the above minutes regarding Windows and Lights lies not only in the tax itself, which was a reactionary introduction from England, and in the method of raising money through local agency for imperial purposes, but also in the names of the local assessors employed, some of whom were parish schoolmasters.

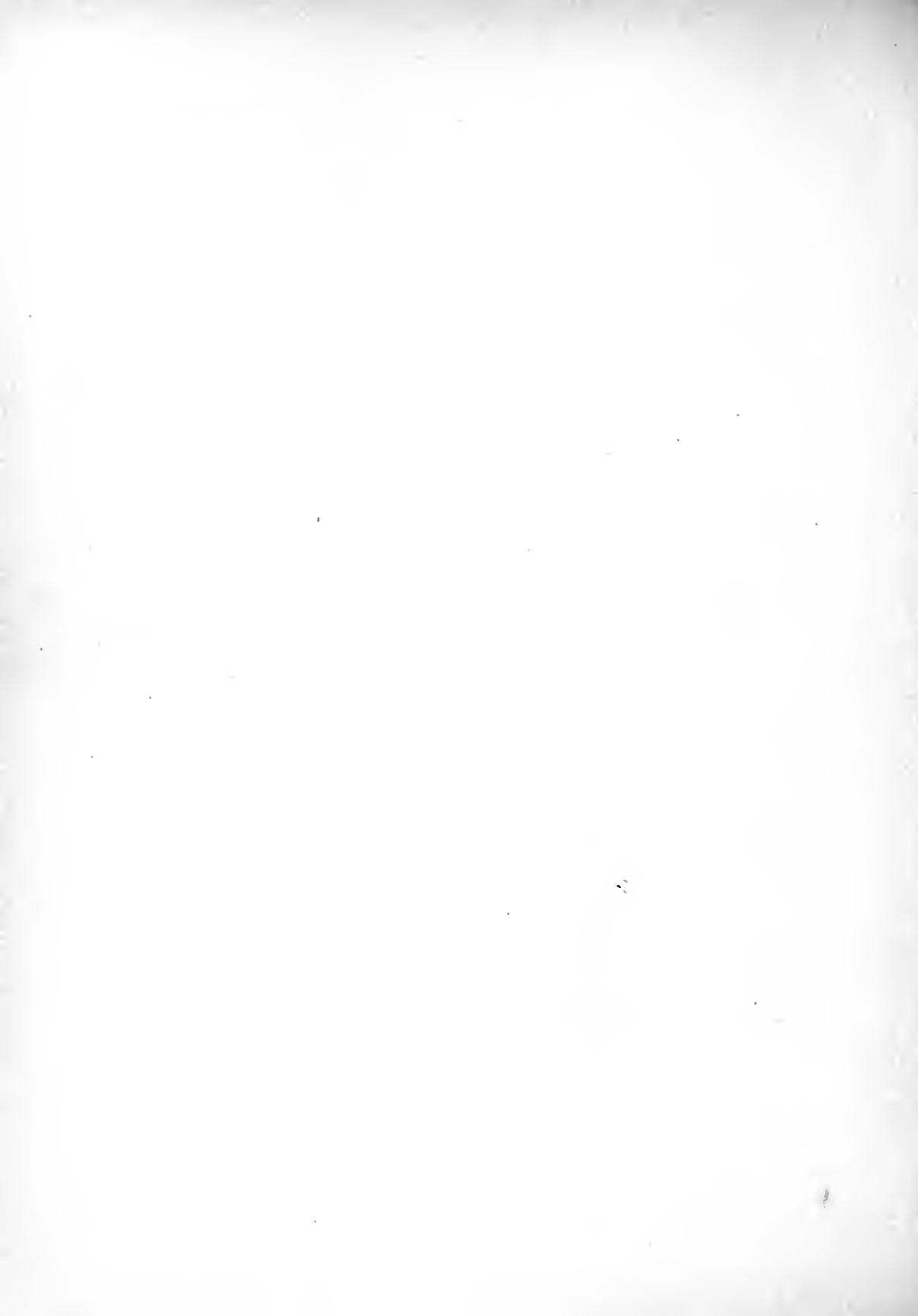
## CONVENER OF THE COUNTY.

Banff, 1st June 1750.—The Commissioners unanimouslie name Sir Robert Abercrombie to be their Conveener for the current year. The Collectors expenses in printing and publishing intimations with respect to the proposall for augmenting ministers stipends, and for printing and dispersing regulations of the Justices of Peace with respect to servants and winter herding passed, but the Commissioners deferr settling any fund for his disbursement until second tuesday of August next.



## ADDENDA AND CORRIGENDA.

- Page 6, line 6.—For "Sir James" read "Sir Alexander."
- " 15, line 29.—For "1661" read "1660."
- " 16, line 23.—For "1688" read "1668."
- " 33, line 29.—Reference figure to footnote should be 2.
- " 34 —Note at foot of page should be Note 2 page 33.
- " 55, line 17.—For "attenion" read "attention."
- " 60, footnote.—For "pp. 543-4" read "pp. 504-8."
- " 68, line 33.—For "Alexander" read "George."
- " 69, line 1.—For "Alexander" read "George."
- " 88, line 10.—Delete "by Gordon of Glenbucket" as *vide* p. 263.
- " 90, line 31.—For "Alexander" read "George."
- " 99, line 17.—For "Alexander" read "George."
- " 123, add footnote to line 29.—"In 1918 the Constituency of the Elgin Burghs was abolished."
- " 129, add footnote to line 23, "The Act of Parliament 1707-8 disqualified Roman Catholics from being admitted to the Roll and voting as Commissioners."
- " 138, line 3.—For "Charles" read "Alexander."
- " 193, line 17.—Add note of interrogation.
- " 193, line 38.—For "November" read "August."
- " 229, line 34.—It was not found feasible to reproduce these signatures.
- " 236, line 2.—For "which is to-day, under the stress of war, reasserting itself" read "which under the stress of war reasserted itself."
- " 284, line 24.—For "contributions" read "proportions."
- " 381, line 1.—For "who, etc.," read "he died in 1709 and she in 1725."
- " 358, line 9.—For "Helen" read "Margaret."
- " 373, line 30.—For "eldest daughter" read "second daughter."





# INDEX.

- Aberbrothock, *see* Arbroath
- Aberchirder and Banff road, 385, 389, 390, 391
- Boat of, 370
  - Fees, wages and prices in (1703), 242-244
  - Parish, 418
  - Valuation roll of, 271, 340, 353, 354
- Abercrombie (Abercromby)
- of Birkenbog, yr., 357
  - Bishop of Aberdeen, 32, 64; lands held by, 93, 99, 100; on valuation roll, 277
  - Colonel, 380
  - General, 391
  - Alexander, Grand Falconer in Scotland to Charles I., 9
  - Sir Alexander, of Birkenbog, Commissioner to Parliament, Sheriff of Banffshire, his career, 9, 10, 11, 15, 16, 19, 60; 120, 145, 146, 147, 217, 221
  - Alexander, of Brekinhills, on valuation roll, 276
  - Alexander, of Glassaugh, 111, 121, 123; M.P. for Banffshire, the first Parliament of Great Britain, 123; election and re-election as Commissioner of the Shire, 120, 122, 127, 131, *et seq.*, 135, *et seq.*, 140
  - Sir Alexander, of Galcorse, 143, 144
  - Alexander, yr., of Glassach, 149, 159
  - Alexander, of Glassaugh, Commissioner, etc., 232, 234, 238, 240, 245, 251, 253, 257, 258, 259, 280, 281, 284, 286, 287, 316, 317, 318, 327, 330, 331, 334, 335, 337, 338, 339, 340, 344, 345, 347, 350, 352, 353, 354, 355, 356, 357, 358, 359, 396; lands held by, 116; letters from, *quoted*, 125
  - Captain Alexander, of Glassaugh, 139, 324, 341
  - Captain Alexander, of Glassaugh, M.P. for Banffshire, Deputy Lieutenant, 303, 314
  - —, of Skeith, 162
  - Alexander, of Skeith, Commissioner of Supply, 232, 238, 258, 261, 264, 280, 281, 286, 290, 316, 317, 318
  - Alexander, of Torstoun, on valuation roll, 272
- Abercrombie, Alexander, of Tulliebodie, 10, 49, 208, 211 *and note*
- George, yr., of Skeith, 143; out in the Fifteen, 322
  - George, of Skeith, on valuation roll, 271
  - George, of Skeith and of Tullibody, 10
  - James, 180; lands held by, 115, 91; out in the Fifteen, 138, 322
  - Sir James, of Birkenbog, 6, 10, 11, 98, 110, 111, 113, 121, 132, 136, 162, 187, 188, 189, 194, 200, 204, 205, 214, 217, 225, 229, 233, 240, 253, 258, 259, 261, 264, 268, 281, 283, 290, 292, 301, 313, 329, 347, 396; Commissioner of the Shire, 87, 98; claims precedence in suite roll, 119; on valuation roll, 276
  - James, of Glassaugh, 359, 361, 362, 364, 365, 366, 408, 409
  - John, in Achincleish, weaver, 244
  - Mr. John, of Farskane, 9, 10
  - Mr. John, of Farskane, and of Glassaugh, 120
  - Mr. John, of Glashaugh (Glassa), Justice of the Peace, 60, 145, 146, 149, 162
  - Mr. John, Elder of Glassach, 159
  - Lords, 10
  - Marie, wife of Sir George Gordon of Edinglissie, 10, 15
  - General Sir Ralph, 10
  - Sir Robert, of Birkenbog, 359, 360, 368, 371, 372, 377, 379, 380, 384, 390, 391, 392, 415, 421
  - Post from Banff to, 226
- Aberdeen Journal*, 394
- Aberdeen Universities, Westminster Confession imposed upon Professors, 78
- Aberlour, Bridge of, 351, 353
- Church of, 12
  - Gordons of, 352
  - Lands and barony of, 12
- Abernethie, yr., of Corskie, 258, 259, 282, 329, 369
- yr., of Meyan, 362, 366
  - Alexander, of Auchincleish (Auchincleish), Justice of the Peace, 22, 60, 147; lands held by, 24, 25
  - and Meyan and Quoir, 31
  - Alexander, in Banff, merchant, 414

- Abernethie, Alexander, of Corskie, 259,  
     261, 280, 281, 283, 412, 413, 414  
   — Alexander, of Meyan, 10  
   — George, 371  
   — George, Baillie of Banff, merchant,  
     367, 396, 412, 413  
   — James, of Barrie, constable, 227  
   — James, in Mayen, 412, 414  
   — James, of Mayen, 387, 392, 411  
   — James, of Schank and Barie, on  
     valuation roll, 272  
   — John, of Corskie, on valuation roll,  
     272  
   — John, of Meyen, Mayan, 64, 65, 75,  
     98, 111, 121, 126, 258, 259, 261,  
     280, 281, 282, 292, 297, 298, 329,  
     341, 345, 355, 357, 383, 384 :  
     lands held by, 92, 115; out in  
     the '15, 322  
   — John, of Tilidoun, on valuation  
     roll, 272  
 Aboyne, Earl of, Justice of the Peace, 60,  
     147  
 Achinhamper, on valuation roll, 273  
 Achlunkart, Laird of, on valuation roll,  
     273  
 Achmadies, Grants of, 38  
 Achorachan and Easter Blairfindy, on  
     valuation roll, 278  
 Achyonnie, Gordons of, 354  
   — Grant of, 354  
 Achyonanie, Laird of, 409  
 Achry, *see* Auchry  
 Achyndachie, Laird of, 200  
 Achynonie, Laird of, 132, 140  
 Adam, Alexander, in Fordyce parish, on  
     valuation roll, 276  
   — Alexander, shoemaker, 237  
   — James, in Tillidoun, weaver, 244  
   — Janet, on valuation roll, 276  
   — John, in Achincleish, weaver, 244  
   — John, in Cranno, constable, 227  
   — John, in Elgin, postmaster, 310  
   — John, in Monbleton, constable, 284  
 Advie, Grants of, 262  
 Agnew, Lieutenant, 86  
 Airlie, Earl of, lands owned by, in 1664,  
     7, 63; 13, 49, 62, 65, 75, 93,  
     147, 148, 149, 155, 156, 159, 162;  
     on valuation roll, 274, 276  
   — James, 2nd Earl of, 25; his politics,  
     78; loss of his lands, 79, 107;  
     lands held by, 90  
   — Lord (— Ogilvie), 5; lodging of,  
     79, 107  
   — Ogilvie of, 5  
 Ale, malt and *aqua vite*, excise on, before  
     and after the Revolution, 223  
 Alexander, James, weaver, 237  
 Allan, George, in Turtrie, constable, 228  
   — George, in Whyntie, 181  
   — William, in Muiralehouse, brewer,  
     256  
 Altyre, Lady (Jean Gordon), 43  
 Alvach Parish, 416  
   — valuation roll of, 276  
 Anderson, —, of Westertoun, 147  
   — —, yr. of Westertoun, 72, 149,  
     160; estates forfeited for treason-  
     able words, 73  
   — —, Major, of Westertown, Com-  
     missioner of Supply, 232  
   — Alexander, soldier, 68  
   — Alexander, of Aradoul, out in the  
     '15, 322  
   — Alexander, of Newtoun, 325, 338,  
     350, 351, 408, 412  
   — J., 180  
   — James, Mill of Tynet, on valuation  
     roll, 271  
   — James, of Nether Achinreth, on  
     valuation roll, 271  
   — James, of Lochend, on valuation  
     roll, 277  
   — James, in Troup, shoemaker, 237  
   — James, of Westertown, lands held  
     by, 73, 74, 148; on valuation  
     roll, 273  
   — Janet, wife of Mr. John Gregory,  
     Minister of Drumoak, 23  
   — John, Depute Clerk of the Privy  
     Council, 177  
   — John, of Arbreak, lands held by, 73  
   — John, of Mudhouse, on valuation  
     roll, 279  
   — John, of Westertoun, lands held  
     by, 100, 162  
   — Mr. Patrick, fiar of Ardbreak, 73  
   — Robert, on valuation roll, 276  
   — Thomas, in Lichnett, weaver, 237  
   — Thomas, soldier, 68  
   — William, in Killtack of Kinermorie,  
     419  
 Andrew, John, letter from, to George  
     Syme, anent Lord Findlater's  
     arrears of cess, 159  
 Angus, Lord, 185  
 Annandale, William, Earl of, 108  
 Anne, Queen, her accession, 110, 231, 232;  
     her death, 134, 291  
 Anstruther, W., 282  
 Anton, George, servant, 248  
   — Isobel, in Rothemey, 242  
 Aradoul, Laird of, on valuation roll, 275  
 Arbroath (Aberbrothuck), Abbey of, 32,  
     64, 93

- Arbuthnot, Robert, Chamberlain to Earl Marischal, 197  
 — Viscount of, 85  
 Ardalie, *see* Arndilly  
 Ardmeallie (Ardmellie, Ardmelly), Gordons of, 87, 287  
 — Laird of, 58  
 Argyle, Duke of, 129, 301, 310, 311, 312, 313, 314  
 — Earl of, 108  
 — Earl of (1689), regiment raised by, 185  
 — Earl of, Archibald, 5th Earl, 4  
 Arnbath (Arnebath), Laird of, 179  
 Arndilly (Ardalie, Arindilly, Arntilly), Grants of, 38, 288, 354  
 — Laird of, 179, 200  
 Arnot, Major George, 258  
 Arradoul, Gordons of, 44  
 Ashfield, Colonel R., letter anent the Guard of the Shire, 142, 143  
 Athole, Duke of, 109, 110, 123, 301  
 Atholl, Duke of, Murray, John, 1st Duke, 381  
 — John, Lord Murray, Earl of Tullibardine, 102, *and note* 103, 107  
 — Removed from office as Joint Secretary of State, 104  
 Athol, Earl of, John, (1521), 34  
 Auchincloich (Auchenclech), Abernethie of, 24  
 Auchindoun, Baron Court of, 39  
 Auchingoul, Laird of, 351  
 Auchintoul (Auchentoull, Auchintowell),  
 — Arrears of cess, 207, 209, 211; 287  
 Bridge on Burn of, 340, 341, 353, 354, 361, 362  
 — Laird of, 8  
 — Lord (Alexander Gordon), lands held by, 63, 75; proceeded against as Roman Catholic; created Lord of Session by James II.; superseded under William III., 87; moves that Barons absent from the Courts be fined, 126; his death, 128  
 — Road at park dykes of, 383  
 Auchmedden, Bairds of, 4, 5  
 — Laird of, 22, 93, 197; lands of, 6  
 — Road to Nethermilln of, 391  
 Auchoynanie, 9  
 Auchry (Achry), Cumines of, 32, 33  
 Auldearn, Battle of, 20  
 Aven, Bridge of (Kirkmichael), 365  
 B., James, of Achorsk, on valuation roll, 273  
 Baberton, — 100  
 Bachlaw, road to, from Tippetty and Wardend, 392  
 Badenoch (Badzenoch), John, 243  
 — Badenoch, William, 242  
 Badievochell, on valuation roll, 278  
 Baillie (Bailrie, Bayllie), William, Chamberlain to Laird of Grant, 162; letter from, to Earl Findlater, 173, *and note*  
 Baird, Andrew, of Lavoracklaw, Fifeshire, and of Auchmedden, 4  
 — Christian, wife of George Leslie of Burdsbank, 6, 183  
 — Elizabeth, wife of Sir Alexander Abercrombie of Birkenbog, 10  
 — Elizabeth, wife of (1) Sir James Abercrombie of Birkenbog, and (2) Patrick Ogilvie, 6  
 — George, II. of Auchmedden, 4  
 — George, IV. of Auchmedden, Provost of Banff, 4  
 — George, of Corskie, Banffshire, 4  
 — Gilbert, III. of Auchmedden, 4  
 — James, Commissary of the Ecclesiastical Court of Scotland, 4, 5  
 — James, Edinburgh lawyer, 4, 220  
 — James, son of James, yr. of Auchmedden, 30  
 — James, son of Sir James of Auchmedden, joint Sheriff Principal of Banffshire, 6, 147; his commission, 27-29; death, 29  
 — James, Secretary to Earl of Seafield, letters from, *quoted*, 108  
 — Sir James, V. of Auchmedden, Sheriff Principal of Banffshire, commission from King Charles II., 1-3, 8, 51-53; his career, 5, 7, 10, 31, 48, 55, 56, 58, 59, 63, 65, 66, 72, 75, 90, 96, 146, 147, 148, 154, 159, 162, 183; lands held by, 6, 91, 99; Commissioner to Parliament, 1665 and 1669, 19, 20; Justice of the Peace, 60; his death, 95; letter from, to Earl of Findlater, 150, 415  
 — James, of Chesterhall, 4  
 — Mr. James, of Cullen, W.S., letters from, to Earl of Findlater, anent arrears of cess, 207-212, 213  
 — James, of Newbyth, 5  
 — Sir James, of Pitgair, on valuation roll, 274  
 — Sir John, *see* Newbyth, Lord  
 — Lillias, wife of Gilbert Baird, III. of Auchmedden, 4  
 — Margaret, on valuation roll, 274  
 — Robert, of Saughtonhall, 5

- Baird, Walter, of Ordinhivas, Fordyce, 4  
 — William, of Auchmedden, 126, 258;  
 lands held by, 99; historian, 4,  
*and note*
- Bairds of Posso, Tweeddale, 4
- Balcarres, Earl of, 68
- Baldavie, Laird of, 7, 64, 65
- Ballandalloch, Laird of, 126, 188; lands  
 owned by, 7, 63  
 — (Ballindalloch), warrant for dis-  
 arming papists in, 89
- Ballie Parish, valuation roll of, 271
- Ballnoon, Laird of, 132
- Balquhain, Leslies of, 34
- Balvenie, Bridge of, 366, 367, 368, 369  
 — Castle, 313, 316  
 — House, 364  
 — Inneses of, 38  
 — Miltoun of, a burgh of barony,  
 213, 214  
 — Road from, to Glenlivet, 351  
 — Sutherlands of, 12, 13
- Banff, Arms delivered up in 1716, 323  
 — Sir Alexander Ogilvie, 7th Lord,  
 333, 334  
 — and Alvah Parish, 338  
 — Bailies of, Justices of the Peace, 60  
 — Burgh of, a county town, but not  
 seat of Sheriff Court, nor of  
 meetings of Commissioners, 55,  
 180  
 — Castle of, 36, 37  
 — Church of, Elders elected in 1664,  
 511  
 — George Ogilvie, 91, 143  
 — George Ogilvie, 1st Lord, 13,  
 — George Ogilvie, 2nd Lord, 13, 14  
 — George Ogilvie, 3rd Lord, 14  
 — George, 4th Lord, lands held by,  
 128, 357  
 — House, 382  
 — Included in Elgin Burghs, 123  
 — Imprisonment, warrant for libera-  
 tion, 85  
 — Lord, 5, 13, 48, 126, 146, 147, 148,  
 265, 362, 384, 385, 392, 394;  
 lands held by, 7, 13, 14, 63; on  
 valuation roll, 274, 275, 276  
 — Masters and servants, fees, wages  
 and prices in 1702, 236  
 — Parish of, 418  
 — Parishes included in district of, 222  
 — Postal service to Keith, Edinburgh  
 and elsewhere, 222; to Aber-  
 deen, 226  
 — Provost of, a Justice of the Peace,  
 60; 186, 215, 340, 342, 344,  
 346, 347, 349, 351, 352, 353,  
 354, 355, 364, 388, 407
- Banff, Roads to, 339, 340, 341, 352, 353,  
 357, 359, 369, 372, 378, 379, 380,  
 383, 385, 387, 389, 390, 392, 394  
 — Stent payable to, 230  
 — Town Council Minutes, *quoted*, 89
- Banffshire, Condition of the county in  
 1715, 309, 312, 313  
 — Disarming of, in 1716, 323  
 — Divisions of the shire for collection  
 of poll tax, 200, 217  
 — Earliest records of, 1, 57  
 — Election of Commissioner, 71  
 — Land tax, annual amount after the  
 Union, 274  
 — Main line of roads, 380  
 — Militia levy apportioned on, in 1663,  
 184  
 — Parishes, and overseers of roads in  
 each parish, 338  
 — Representation of, in Parliament,  
 123
- Bankhead, Ogilvie of, 33, 34
- Bannerman, George, solicitor to His  
 Majesty, 156 *and note*
- Banoon, Laird of, 58
- Barber, Alexander, in Pitgair, weaver, 237
- Barclay (Barkley), Alexander, in Murie-  
 hill, weaver, 237  
 — Elizabeth, of Towie, wife of John  
 Gordon of Rothiemay, 101  
 — Patrick, of Towie, 101, 126  
 — de Tolly, 102
- Bargany, Lord, regiment raised by, 185
- Barley and bear, market prices of (1696-7),  
 189
- Barons of Banffshire, 6, 78  
 — Fines for absence from Courts, 65  
 — Meaning of term, 1  
 — Protest against attendance on Lords  
 of Justiciary, 127
- Barrine, John, in Ternemnie, 243
- Barron, James, in Tillisafe, 227, 249
- Bartlet, James, of Afforsk, 379, 388
- Basken, Alexander, 218, 219  
 — (Baskein), Captain James, Collector  
 of the Shire, 143, 179, 199, 211,  
 217, 218, 219; letters from, to  
 Earl of Findlater, 166, 177, 178,  
 190, 191, 200, 204, 212, 213
- Bavaria, Prince of, Ferdinand, his death,  
 106, 109
- Bayly, Alexander, on valuation roll, 275
- Beattie, Bryan, Collector of Excise, 403
- Beggars, *see* vagabonds, beggars and sorners
- Beidie, William, in Claymyres, 244
- Beldornie, Gordons of, 24  
 — Laird of, 64, 126  
 — Lands of, Highlanders settled on,  
 17, 19, 27

- Bellie, Bridge of, 379  
 — Parish, 338, 418  
 — Schoolmaster of, 398-400
- Bellindalloch, *see* Ballindalloch
- Bennett, Janet, in Muirehill, 248
- Birdsbank, *see* Burdsbank
- Birkenbog, Abercrombies of, 9  
 — Laird of, 147, 179, 186, 200, 208, 211, 212; lands held by, 63
- Bishops' lands, former vassals of, added to the suite roll, 97
- Bisset, Alexander, 338  
 — Ann, wife of Patrick Gordon of Ardmeallie, 376  
 — Robert, of Lessendrum, 376, 377
- Black, William, letter from, to Sir James Ogilvie, 167-169  
 — William, in Whytestaines, taylor, 237
- Blackhills (Blackhills), Laird of, 100
- Blacktown, bridge on Burn of, 362, 371  
 — and Banff road, 392, 394  
 — and Cullen road, 380  
 — and Cranna road, 391
- Blackwater bridge, 343, 344, 351, 378
- Blaickett, Alexander, in Deyhill, constable, 229
- Blair, Laird of, 76
- Blake, William, tutor to Lord Deskford, 331
- Blantyre, Lord, regiment raised by, 185
- Blenchel, Robert, notary public, Keith, 324, 325
- Bog of Gight, 10
- Bognie (Boigny), Laird of, 55, 58, 64, 65, 75, 126, 347
- Boharme (Boharm) Chaplainry of, 12  
 — Parish, valuation roll of, 273, 338, 390, 392, 418
- Bond of Association of Jacobites, text and signatories, 88
- Borlum Castle, 313
- Botriphnie (Botrifine), 12, 391, 392  
 — Parish, 418  
 — Valuation roll and feu-duties of, 273
- Bottimer, adviser to King George I., 303  
 — Letter from, to Earl of Findlater, 304
- Boyes, Mr., 287
- Boyndie and Banff road, 383  
 — Bridge, 340, 347, 357, 365  
 — and Cullen and Fachobers road, 385  
 — Parish, 418  
 — Valuation roll of, 272, 338
- Boyne (Boynd), Bridge of, 353, 356, 357, 359, 361, 365  
 — Laird of, Justice of the Peace, 60, 65, 147, 162
- Boyne Castle, order to Carrison, 313, 314, 319  
 — Lands of, 7, 21, 22  
 — Lord (Sir Patrick Ogilvie), 5, 65, 69, 71, 75, 154, 156, 179, 188, 191, 194, 196, 198, 199, 200, 203, 204, 205, 217, 218, 219, 233, 234, 238, 239, 240, 251, 253, 257, 258, 259, 261, 263, 264, 265, 268, 281, 282, 283, 415; Commissioner to Parliament of 1669, 20; Lt.-Col. of Banffshire Militia, 21; Judge of Court of Session, 21; lands owned by, 21, 22; election as Commissioner, 71-73; superseded, 87; letters from, to Earl of Findlater, 195, 265; arrears of cess, 207, 209, 211; on valuation roll, 272, 274, 276  
 — Ogilvie of, 5  
 — "Young," Jacobite efforts, 164
- Boynsmill, Bridge of, 352
- Bracco, *see* Bracco
- Bracco, Duff of, 49  
 — Laird of, 132, 140, 179, 188, 200, 208, 211, 212
- Brackie, Alexander, 13  
 — James, 13  
 — John, on valuation roll, 275
- Braemar, Jacobite feeling in, 88  
 — Road from, to Grantown, *via* Tomintoul, 383
- Braes of Mar, Battle of, 129, 137
- Brechan Castle, 313
- Brandy running, 404; measure to prevent, 406
- Brannes, Walter, Baillie of Cullen, 324
- Breagachie and Letervandish, on valuation roll, 279
- Brebner, George, postman, 398
- Brechin, Rendezvous of Northern Militia, 67
- Brewers, collecting excise tax from, 163, 175  
 — Entries made by, 254-256; complaints against, 257  
 — Entries and Renunciations, 260  
 — Monthly Returns of Manufacture and Sale, 217; and Tacksman of Excise, 220
- Bridges, *see* title Roads and Bridges
- Brodie, Alexander, 403  
 — David, of Lethin, lands held by, 92  
 — John in Brydock, 227, 249  
 — Katherine, wife of Alexander Gordon of Glengarroch, 43
- Brown, Alexander, recruit, 402

- Browne, Donald, reiver, 104  
 — Elizabeth, 251  
 — Patrick or Peter, Highland reiver, 104, 105
- Bruce, footman, 301  
 — Sir Alexander, of Broomhall, 170
- Buchan, —, Colonel, 315  
 — —, General, 260  
 — Earl of, 4, 93; lands owned by, in 1664, 7, 6, 3; on valuation roll, 274, 276  
 — James, Sheriff-Principal of Banffshire, 1, 2; lands held by, 91  
 — Colonel John, 65, 164  
 — Mr. John, Agent of Convention of Royal Burghs, 195 *and note* 196  
 — Major-General Thomas, 75  
 — William, his politics; death in Stirling Castle, 79; warrant for transporting from Edinburgh to Stirling, 82
- Buckie Bridge, 347, 367, 368, 370  
 — Burn, 389  
 — (Buckye), Laird of, 64, 75
- Buntein, Major Hugh, of Kilbryde, 160
- Burghs of Barony in Banffshire, list of, 213; communication of trade, 214 *et seq.*
- Burdsbank, Laird of, 179  
 — (Birdsbank), Leslies of, 180-184
- Burges, Charles, in Clashdore, 420
- Burnend (Forglen), Bridge, 361  
 — Mill of, on valuation roll, 275
- Burnet, Janet, in Creilwell, 251  
 — Jessie, wife of Mr. Alexander Ker of Knock, 45
- Burnett, Marion, in Ruthven, 242
- Burnside Bridge, 340
- Byng, Admiral Sir George, 124, 301
- Cairnfield Bridge, 374
- Cairntown, Lands of, 10
- Callander, Earl of, Alexander, 3rd Earl, 239
- Campbell, —, wife of Peter Garden of Troup, 375  
 — Lieut. Colin, 188  
 — Colin, of Moncoffer, 43  
 — James, of Kerenach, 257  
 — Jean, wife of Colonel John Innes of Lichnet, 46  
 — John, of Friartown and of Dalney, Sheriff-Depute, 53, 58, 90, 147
- Campdeltmore (Campdale) Bridge, 365, 366
- Cannon, Colonel —, 75, 76, 79
- Cardross, Lord, regiment raised by, 185
- Carmichael, Helen, wife of Mr. Jas. Leslie of Tullich, 37  
 — Lord, *see* Hyndford, Earl of
- Carnousie, Burgh of Barony, 213, 214
- Carnousie Bridge at Burnend of, 356  
 — Laird of, 8, 132
- Carny, 379
- Carron, Laird of, 132
- Carstares, William, Presbyterian Chaplain to King William III., 102, 333
- Castlefield, Dunbars of, 294, 295
- Cathcart, Colonel, 352
- Cazie, William, Reidhill, 244
- Cess, Amount of, in 1745, 415  
 — Arrears of, case of Judges of the Court of Session, 207  
 — Arrears for 1714-16, 325, 327  
 — Collector of, *see* Collector  
 — Part of, spent on establishing a postal service, 222  
 — Quartering on the Shire, 240
- Chalmers (Chalmer), Mr. Alexander of Clunie, Minister at Marnoch, 340, 341, 342, 344, 369, 370, 377, 412, 413, 414  
 — George, 249, 250, 251  
 — James, of Belnellan, 369  
 — John, mason, 368  
 — William, in Findon, 224, 225
- Charles II., King, Commission granted by, to Sir Jas. Baird, Sheriff-Principal of Banffshire, 1-3
- Charles V., King of Spain, 109
- Charters, production of, 131
- Cheine, John, 244
- Chessor, George, in Banff, 93
- Chesterhall, Bairds of, 4
- Christie (Chrysty, Crystie), David, in Auchmill, 397  
 — John, in Kairnehill, 243  
 — William, lands held by, 92
- Chrystie, John, Writer in Edinburgh, Tacksmen of Excise, 257  
 — John, on valuation roll, 279
- Churchill, General, 384  
 — John, *see* Marlborough, Duke of
- Clackmannan, representation in Parliament, 19
- Clerk, John, in Findon, 237  
 — William, in Minonic, 237
- Cochran, Hugh, 225  
 — William, of Ferguslie, 222, 225
- Cochrane, Sir John, of Ochiltree, farmer of the Poll Tax, 202
- Cock, George, servant, 236  
 — Helen, 243  
 — James, Claim on, for arrears of quartering, 167  
 — James, Collector, Town Clerk of Banff, 58, 135, 194, 213, 224, 349; letters from, to Earl Findlater anent soldiers quartered on the county, 162, 163, 164, 165, 349

- Cock, James, of Cranoch, on valuation roll, 270
- Cockburn, Adam, of Ormistoun, Lord Justice Clerk, letter from, anent Banffshire Jacobites, 322.
- John, 282
- Cocklearachie, Gordons of, 87
- Coldhome, Laird of, on valuation roll, 275
- Collector of Cess, salary and appointment, 239, 284
- Colleonard (Colleyward, Collynwart, Culylnwart, Culylnwart), Joass of, 41
- Laird of, 179, 186
- Nursery garden at, 382
- Collie, Janet, in Fortrie, 251
- Collier (Coalier), Lt.-General, 402
- Colonel Walter, 187
- Collynwart, *see* Colleonard
- Colt, Sir Robert, Solicitor, 156, *and note*
- Commission of the Peace, 1716, 324
- Commission of the Peace, 1706, last in Scots style, 283
- Commissioners of Excise, 144, *sq.*; action against, by the Lairds of Brucco and Birkenbog, 264, 265, 266, 268; Cess to meet cost of action, 266, 280; superseded by Commissioners of Supply, 266, *sq.*
- Commissioners of Supply, 146, *et seq.*, 197; responsibility for management of roads, 151; Minute book (1696), 178; list of (1702), 232; absent Commissioners fined, 245; property qualification of ex-officio nominations, 397; contested election of Chairman, 411-414
- Commissioners of the Shire, qualifications and election, 19; payment, 24; abolition of payment, 47, 48, 58; system of Representation under Act of 1681, 54; appointed 1704, 258
- Commissioners to Scots Parliament, number sent from Banffshire, 70
- Con, Elizabeth, yr., 251
- Constable, Peter, 365
- Constables, Executive Officers of, Justices of the Peace, 227; list of, in 1702, 227
- Convener of the County, holders of the office, 414, 415
- Cook, George, in Moss-syde of Rothemay, 243
- Cope, Sir John, defeat at Prestonpans, 416
- Corgaff, road from, to the Spey, 365
- Corrichie, battle of (1562), 4
- Corskie, road at Burn of, 383
- County Government during the Revolution, 75
- Couper (Cooper) Abbey of, 32, 64, 93
- Coupland, Mr., 338
- James, brewer, in Cullbichley, 255
- John, in Park, constable, 409
- Cow, George, in Altown of Carnowsie, 227, 275
- John, postman, 398, 402
- Craib, —, 45
- Andrew, 45
- Isobel, 243
- John, in Rothiemay, 244
- Craig, William, in Maynes, 244
- Craigston (Craigstonne), Laird of, lands owned by, 8
- Lyon of, 17
- Cramond, Dr., of Cullen, 142
- Cranna and Blacktown Road, 391
- Crannach, Road of Hill of, 385, 386, 387, 389
- Crauford, Earl of, 85
- Craufurd, Earl of, President of the Council, 263
- Crichton, George, of Achingoull, on valuation roll, 272
- Magdalen, wife of Alexander Stawart of Lesmurdie, 26
- Mary, of Frendraught, wife of Patrick, Lord Eliphant, 87
- Crichtons of Frendraught, 23
- Cromarty, Earl of, 282
- George, Earl of (Viscount Tarbat), Joint Secretary of State, 58, 117
- (Cromartie), Laird of, 13
- Urquharts of, 15, 16
- Crombie, Bridge of, 350; road from, to Culvie, 358
- Laird of, 7, 64, 65
- Cromdale, battle of (1690), 75, 260, 263
- Crookshank, *see* Cruickshank
- Cruickshank, Alexander of Balnoon, lands owned by, 23, 121, 122, 126, 292, 340, 347, 351
- David, 55
- David, of Balnoon, 22, 23, 64, 65, 75, 93, 111, 113; lands held by, 92, 115
- David, of Balnoon and Kirktown, on valuation roll, 272
- James, 377, 394
- William, in Doune, 255
- Crystie, *see* Christie
- Cullen, Arms delivered up in 1716, 323
- Bridge, 347, 350, 353, 356
- Charter chest, 291
- Cost of Newsletter, preparations for Civil War, 70
- Court Books, 294
- Dispute with Banff as to jurisdiction, 94

- Cullen, Election of Commissioner, 70  
 — Enactment against vagrants, deaths through famine, 193, 205, 212, 217  
 — Flax growing and linen manufacture at, 382, 406  
 — Harbour repairs, letter anent to Sir James Ogilvie, 94, 119  
 — House, 124, 180, 294, 299, 382  
 — Included in Elgin Burghs, 123  
 — Lord, (Sir Francis Grant of Bellintomb), 375  
 — Lord, (Sir Francis Grant of Quallen), 130  
 — Meetings held at, instead of at Banff, 55, 180  
 — Old Mill of, dispute between its owner and the heritors and brewers, 181, 182, 189  
 — Parishes included in district of, 222, 418  
 — Roads to Banff, 340, 357, 359, 369, 372; to Blacktown, 380; to the Coast, 386; to Rannes, 388; to Fochabers, 389, 390  
 — Royal Burgh, 215, 216  
 — Seafield, Charter room at, 149  
 — Soldiers sent to join Northern Militia in 1688, their equipment, 68  
 Culloden, Battle of, 373, 378  
 — Laird of, 312  
 Culphin (Culphine), road from, to Newtown of Park, 345; bridge near, 351  
 Culvie, road from, to Crombie, 358  
 Culyнвар (Culyнвар), *see* Colleonard  
 Cumberland, Duke of (William Augustus), 130  
 Cumen, *see* Cumming  
 Cumine, *see* Cumming  
 Cuminstown, Village, 33  
 Cumming (Cumen, Cumine, Cuming)  
 Cuming, —, Mr., 156  
 — —, of Bythstoun, on valuation roll, 276  
 Cumming, George, Provost of Elgin, lands held by, 32, 33, 64  
 — John, soldier, 68  
 — Sir Richard, of Altyre, 33  
 — Robert, in Raws of Banff, constable, 409  
 — Robert, of Reicleiteich, 258, 282, 338, *and note* 344  
 Cuming, Robert, factor, 384  
 — William, of Achry, lands held by, 92; 32, 33  
 Cuningham, John, 29, 53  
 Cuthbert, John of Brackinhills, Comm. of Supply, 232, 238, 241, 245, 251, 252, 254, 257, 258, 259  
 Cuye, James, in Muire, 244  
 Daeson, Margaret, in Rothnedie, 243  
 Dalgarno, Alexander, brewer, 257  
 — Sarah, brewer, 258  
 — William, of Blackwater, 145  
 Dalkeith, Scottish Convention at, 5  
 Dalrymple, Hugh, Lord President, 106  
 — Sir James, President of the Court of Session, 87  
 — Sir John, Master of Stair, letter from, to Sir James Ogilvie, 94; demits office as Joint Secretary of State, 102  
 Dalvey (later Dunlugas), Grants of, 262  
 Darien Company, "Act for a company trading to Africa and the Indies," 102; English opposition to, 103; opposing policies of English and Scottish Parliaments, 104; failure of expeditions, abandonment of scheme, 106; addresses to the King thereanent, 107; effect of Darien affair on the Union, 107, 108  
 Davidson, John, brewer, 225  
 — John, Mill of Powie, constable, 409  
 Davie, Walter, brewer, 225  
 Deacons of Crafts, appointment of, in each parish recommended, 231; carried out, 232  
 Dearth of 1740-41, 411  
 Dell, on valuation roll, 278  
 Dellay, Grants of, 262  
 Denlugas, *see* Dunlugas  
 Deskford (Deskfoord) Bridge, 347  
 — James Ogilvie (1689-1764), Vice-Admiral of Scotland, 108; education at Aberdeen and at Utrecht, 332; political career, 332; his arrest and pretext for, 302, 303; correspondence anent, with Wm. Lorimer, 303, 306, 307, 318  
 — James Ogilvie (1716-1770), Chancellor of King's College, Aberdeen, his career, promotion of agriculture and manufactures, 381, 382, 406  
 — Kirk, 344  
 — Lady, *quoted*, 296  
 — Lord, 125, 137; lands held by, 138, 143, 154, 286, 290, 292, 299, 320, 324, 325, 327, 329, 330, 334, 335, 380, 384, 385, 386, 387, 389, 391, 392, 393, 395, 397, 415  
 — Parish, 418  
 — Parish, valuation roll of, 271, 338  
 — Sir Walter Ogilvie, 1st Lord Deskford, 11, 108; conveys Burdsbank to George Leslie, 182



- Deveron (Diworn) River, salmon fishing in, 60, 61, 378, 379
- Dick, Sergeant, 240
- Dockar, Patrick, Baillie of Banff, 388
- Don, Bridge of, on valuation roll, 280
- Donald, Alexander, brewer, 255
- Andrew, in Clintertie, 237
- Donaldson, Alexander of Kinnairdy, 387, 389
- John, factor to Gordon of Carnousie, 219
- John, writer, in Banff, Clerk of Supply, 99, 178, 190, 191, 192, 197, 204, 217, 218, 224, 239, 259, 268, 296; letters from, to Earl of Findlater (3rd Earl), 191, 198
- John, writer, in Turriff, 311
- Thomas, of Kinairdie, 121, 122, 132, 136, 140, 258, 259, 292, 298, 316, 318, 320, 324, 325, 327, 329, 330, 332, 337, 338, 339, 340, 341, 342, 343, 344, 349, 351, 356, 357, 409
- William, of Kinnairdie, 377
- William, of Netherdale, 409
- Douglas, —, of Cavers, 318, 325
- Dr. Alexander, of Dounies, Provost of Banff, 35, *note* 73
- Mr. Alexander, of Downies, Sheriff, 143, 145
- Christian, wife of Walter Leslie of Tullich, 35 *and note*, 36
- Isobel, wife of James Anderson of Westerton, 73, 74
- Downe, Burgh of Barony, 213; payment to tax roll of Royal Burghs, 215
- Dounies, on valuation roll, 273
- Drachlie, on valuation roll, 272
- Drum Bridge, 356
- Drummond, —, Captain of the "Speedy Return" of the African Company, his murder, 118
- Marie, *see* Marischal, Countess
- Pat, 18
- Drummuir (Drumuir, Drumuyr), Duffs of, 73
- Laird of, on valuation roll, 273
- Drumnakeyth, Ogilvie of, 11
- Duff, —, of Bracco, 298, 311, 313
- —, yr., of Hatton, 380
- A., 280
- Adam, of Clunybeg, 38, 49, 298
- Adam of Drumuir (Drumuyr), 35, 40, 148
- Alexander, lands held by, 32
- Hon. Alexander, 388
- Alexander, of Balihack, on valuation roll, 273
- Duff, Alexander, of Bracco, 10, 39, 41, 43, 64, 74, 75, 111, 138, 147, 149, 160, 162, 196, 204, 214, 217, 258, 260, 264, 268, 289, 290, 325, 335, 337; lands held by, 49-51, 100, 115; Commissioner of the Shire, 71 *et seq.*, 99, 110 *et seq.*; purchases the lands of the Earl or Airlie, 107; his death, 121, 122; on valuation roll, 277, 279, 280
- Alexander, of Bracco and Balvenie, 69
- Alexander, of Drumuir, 162, 258
- Alexander, of Hatton, 352, 377, 387, 388, 410, 412, 413
- Alexander, of Keithmore, 38, 49, 98, 149, 162, 320, 350; lands held by, 39, 64, 92; follows William of Orange, 69
- Alexander, yr., of Keithmore, 40
- Alexander, of Letach, 39, 40
- Alexander, of Succoth, 40
- Archibald, of Drummuir, 391
- George, of Edendiach, 289
- Helen, wife of William Gordon of Farskane, 49, 325
- House, 49
- Hon. James, of Braco, 388
- James, of Corsindee, 389, 392
- James, of Crombie, Commissioner of Supply, 111; lands held by, 115, 121, 232, 240, 245, 251, 253, 257, 259, 280, 281, 283, 286, 344, 350, 352 *and note*, 360, 377, 409
- James, in Banff, Baillie, 412, 413, 414
- James, in Banff, Town Clerk, Procurator Fiscal, 408
- Lady Janet, wife of Sir Wm. Gordon of Park, 373
- Jean, wife of Mr. George Meldrum, Laird of Crombie, Marnoch, 39, 41
- John, of Drumblair, 387
- John, of Muldavit, 30
- Margaret, wife of Charles Gordon of Glengerack, 43, 49, 50, 357, 358, called "Helen," 358
- Margaret, wife of George Geddes, 49 *note*
- Margaret, wife of James Stuart of Achorachan and Lesmurdie, 39, 40
- Mary, wife of Alexander Abercrombie of Tullibody, 10, 49
- Mary, wife of (1) Dr. Andrew Fraser (2) Thomas Tulloch of Tannachy, 39

- Duff, Mary, wife of Patrick (Peter) Gordon of Ardmearie, 352, 377
- Patrick, 280
  - Patrick, chamberlain to the Duke of Gordon, 162
  - Patrick, of Castletoun, 217, 219
  - Patrick, of Craigston, 39, 41, 320
  - Patrick, of Premnay and of Culter, Clerk of Supply, 320, 325, 327
  - Patrick (Peter), of Whitehill, 369, 371, 388
  - Robert, in Hillockhead, 297, 298
  - Mr. Robert, minister, of Aberlour, 351, 352
  - Thomas, Clerk of Supply, 297, 298, 319, 320, 321
  - William, Baron Bracco, buys lands and barony of Glengerack, 358; raised to Irish peerage, 360, 384, 385, 388, 395, 404, 407, 408, 409, 410, 411, 413, 415
  - William, of Bracco, 49, 126, 289, 325, 342, 344, 345, 346, 347, 349, 351, 352, 353, 354, 355, 356, 357, 358, 361, 362, 364, 366, 369, 370, 373, 377, 380, 383, 401, 410
  - William, of Crombie, 350, 377
  - William, of Dipple, 39, 41, 50
  - William, of Tulloch, 338, 339, 340, 342
  - William, Provost of Inverness, 350
  - William, of Whitehill, 358, 360, 362, 364, 366
- Duffton (Duftone), John, in Turttrie, 250
- Duffus, John, Baillie, 377
- Lord, Alexander (1665), 13
  - Lords, 12
- Dunbar (Dumbar), —, of Durne, 119
- Alexander, of Boig (Bog), 290, 292, 297, 298, 362, 364
  - Archibald, of Newton, 238
  - Mr. Archibald, of Thundertown, 239
  - Archibald, of Tillenaught, 338 *and note*, 340, 350, 351, 352, 353, 354, 357, 359, 360, 361
  - Case against Commissioners, 289
  - Mr. George, of Castlefield, Commissioner to Parliament from Cullen, 294, 295
  - James, of Durne, 214
  - James, yr., of Durne, 119, 121, 122, 205, 217, 225, 229, 238, 240, 245, 253, 257, 258, 259, 261, 264, 280, 281, 282, 283, 290, 292, 346
  - Sir James, of Durne, 132, 136, out in The Fifteen, 138; 301, 338, 340, 342, 344, 345, 346, 347, 353, 356, 359, 360, 361, 396
- Dunbar, James, of Inchbrook, 295
- John, of Kirkhill, Commissioner of Supply, 232, 234, 238, 240, 245, 252, 253, 254, 281, 345
  - Katherine, of Grange and Burgie, wife of James Hay of Rannas, 30
  - Nicolas, of Castlefield, Sheriff-Depute of Banff, 95, 98, 99, 101, 102, 110, 121, 124, 126, 130, 131, 132, 134, 187, 188, 203, 204, 205 *and note*, 214, 217, 218, 219, 220, 221, 222, 224, 225, 229, 233, 238, 240, 245, 251, 252, 253, 258, 259, 261, 264, 265, 281, 282, 283, 284, 285, 286, 289, 290, 292, 293, 296, 297, 329; letters from, to Earl of Findlater, 197, 239; appointed Collector, 197, 199, 239, 259; "unlawed for contumacy," 294; his pedigree and his career, 294, 295
  - Session Clerk of Elgin, 74
  - William, 208
  - William, yr., of Castlefield, 226
  - William, of Durne, 162, 264, 266, 359
  - William, yr., of Durne, 194, 197, 198, 199, 200, 203, 204, 220, 221
  - Sir William, of Durne, 119, 194, 200, 203, 205, 218, 219, 225, 229, 362, 372, 411, 413, 414
  - William, of Dykeside, 287, 288, 295, 329
- Dunbarton's Regiment, 155
- Dundee, Viscount (John Graham of Claverhouse), appointed Commander-in-Chief by James II., 68, 75, 76, 78, 79, 88, 160, 161; his raid on Perth, 262
- Dunlop, James, receiver of cess, 162, 207, 208, 209, 210, 212
- Dunlugus (Denlugus), laird of, 65, 75, 126, 132, 199, 200
- Durham, Janet, brewer, 258
- Janet, wife of William Chalmers, 224, 225
- Durn (Durne), Burn and Bridge of, 340, 344, 372
- Laird of, 186
- Easter Elchies, Grants of, 260
- Edenvellie, on valuation roll, 279
- Edinburgh Castle, 78, 79
- Edingeith, Innes of, 38, 45
- Edinglassie, Gordons of, 15; their Orange sympathies, 88, 101
- Laird of, lands held by, 63
  - Newton of, burgh of barony, 213, 214

- Egyptians, sorners, and vagabonds, decrees against, claim of town of Banff for recompense for guarding, 218, 219  
220, 254
- Ekenway, on valuation roll, 273
- Elchies, Lord (Patrick Grant), 260
- Elder, James, Banff, 418, 420
- Elder, Patrick, 242
- Elgin, postal communication with Banff, 310
- Elgin Burghs, 123
- Eliot, Gilbert, 282
- Ellis (Elies, Elleis), John, 242; on valuation roll, 271  
— Robert, brewer, 258
- Elphinstone, Lord, 16
- Emslie, J., quarrier, 347
- Entail, Act of, 1685 (Sir George Mackenzie's), 20
- Enzie, The, 368
- Erchless Castle, 313,
- Errol, Earl of, 21; lands held by, 63; his regiment of militia, 65, 66, 67, 69; his politics, 78, 126, 187  
— John, lands held by, 90
- Erskine, —, Colonel, 264  
— Captain John, Lieut.-Governor of Stirling Castle, 82
- Excise, Commissioners of, 144 *sq.*  
— Malt, ale, and *agua vite*, duties on, before and after the Revolution, 223  
— Tax from brewers, 163
- Famine, deaths from, 203; regulations for burial of the dead, 204
- Farquhar, —, of Achriachan and Wester Cambdell, on valuation roll, 278  
— James, on valuation roll, 274  
— Sir Robert, of Munie, 46
- Farqrsone, *see* Farquharson
- Farquharson (Farqrsone), C., 88,  
— James, 88  
— John, 88  
— The, signs Jacobite Bond of Association, 88, 263
- Fath (ffaath), George, mason, 363
- Federate (Fedderet) Castle, surrender of Jacobites at, 79, 82, 84
- Fees, shearers' harvest fees, regulations as to, 230, 233  
— Penalties for contravening regulations, 234; augmentation of, 246  
— Wages and prices, 241-247
- Ferguson's Regiment of foot, 120
- Fergusson, James, astronomer, 339
- Fetterangus Parish, 418
- Fforgie, Nan (?), 236
- Fiddich, Boat of, road to Keith from, 393, 395  
— Bridge, 364, 366, 388, 389
- Fife, —, Baillie, 149  
— Family, the, 79  
— House of, 107, 108
- Findlater, Baird, Mr. James, of Cullen, 207-212  
— Baird, Sir James, of Auchmedden, 150  
— Basken, Captain James, 177, 178, 190 *sq.*, 200, 204, 212, 213  
— Bothmer, adviser to King George I., 304  
— Boyne, Lord, 195, 265  
— Christian, 251  
— Cock, James, 162, 163, 164, 165  
— Donaldson, John, 191, 198  
— Dunbar, Nicolas, 197, 239  
— Earl of, lands held by, 7, 63, 91; on valuation roll, 274, 276, 363, 391, 403  
— 3rd Earl, 13, 21, 33, 34, 42, 89, 95, 100, 107, 109, 120, 145, 146, 147, 148, 149, 150, 151, 159, 161, 162, 165, 179, 181, 182, 184, 186, 188, 190, 194, 199, 200, 203, 204, 215, 217, 219, 220, 221, 225, 226, 229, 231, 233, 238, 239, 258, 264, 281, 282, 290, 295, 297, 299, 305, 308, 314, 344; Justice of the Peace, 60; his politics, 79; his death, 127; his poverty, 152 *et sqq.*; arrears of cess, 159; letters from, to Leslie, George, of Burdsbank, 152  
— 5th Earl, and 2nd Earl of Seafield, 381  
— Earls of, 5  
— Fines for absence from meetings of Barons and Freeholders, 55  
— Garden, Alexander, of Troup, 171, 172  
— Gordon, Ad., 174-176  
— Innes, John, of Edingight, 161  
— James, 1st Earl, 11  
— James, 4th Earl, *see* Seafield, Earl of  
— Leslie, George, of Burdsbank, 149, 153, 154, 155, 157, 158, 160  
— Lorimer, William, 299-301, 302, 303, 314; letters to, from Baillie William, chamberlain of Laird of Grant, 173  
— Lorimer, William, 314, 315, 316  
— Marischal, Countess, 173  
— Ogilvie, Alexander, of Forglen, 107  
— Ogilvies of, 11  
— Philp, John, 108, 319 *and note*

- Findlater, Seafield, Earl of (Sir James Ogilvie), 156, 157, 161, 201
- Stanhope, James, Secretary of State, 307
  - Wisheart, George, 176; on valuation roll, 270; superseded as Lord Lieutenant by Grant of Grant, 302
- Finnie (finnie), Thomas, in Minonie, 237
- Fochabers, 308
- Roads to Banff, 378, 380, 383, 384; to Cullen, 389, 390; to Burn of Buckie, 372
- Foot Levy (1693), letters anent, 170 *et seq.*
- Forage for the Army, county provision of, 167 *et seq.*, 176, 317, 318
- Forbes (fforbes), Sir Alexander, of Craigievar, 31, 65
- Arthur, of Balvenie and Turttrie, 47, 64, 92, 100
  - Arthur, of Turttrie, on valuation roll, 271
  - Bathia, wife of Alexander Garden of Troup, 31, 65
  - C., 88
  - Commands Banffshire Militia, 75, 160
  - J., 88
  - Jean, wife of Alexander Sutherland of Kinminnitie and Balveny, 12
  - John, "Black Joke," 312
  - John, of Invernatie, 26
  - Mary, wife of John Ogilvie of Kempcairn, elder, 12
  - Selater, 312
  - William, Master of Forbes, examines Alexander Ogilvie, 89, 90
- Fordyce, 221, 225, 229
- Academy, 33
  - —, Provost, 358
  - George, Provost of Aberdeen, 343
  - George, in Achincrieve, 227, 228, 244
  - Hallow Fair at, 94
  - James, on valuation roll, 271
  - John, on valuation roll, 271
  - John, of Hauche, on valuation roll, 279
  - Parish, 418
  - Parish, valuation roll of, 276, 338
  - Payment to tax roll of royal burghs, 215
  - Presbytery thanksgiving on birth of Prince James, 62
  - Sheriff Courts and meetings of Commissioners held at, 55, 180
  - Thomas, notary public, 318, 325
- Forest of Boyne, Jacobite rendezvous at, 308
- Forfar, Earl of, 282
- Forglen (Forgland) Bridge, 352
- Laird of, 186, 188, 199, 200, 203, 204, 210, 211, 212
  - Lord (Sir Alexander Ogilvie of Forglen), letters from, *quoted*, 85, 89, 109, 120, 124, 125; 107, 111, 114, 147, 132, 134, 140, 147, 162, 233, 258, 281, 290, 292, 296, 297, 306, 329, 327, 329, 330, 332, 334, 335, 337, 338, 352, 396, 397, 398, 400; M.P. for Banff and for Elgin Burghs, 123, 125; lands held by, 115; his career, 333
  - Parish, 418; valuation roll of, 275, 338
- Forsyth (fforsyth), Alexander, Collynewart, brewer, 266
- Alexander, in Roundhill, brewer, 255
  - George, in Culbucklie, 227, 249
  - George or Adam, 49
- Fortrie Bridge, 345, 371, 377, 384
- Fraser (ffraser), Alexander of Philorth, yr., 12
- Dr. Andrew, Inverness, 39, 384
  - Ann, of Philorth, wife of George Baird, IV. of Auchmedden, 4
  - Helen, wife of John Hay of Rannas, 348
  - James, in Whitehills, brewer, 255
  - James, servant, 236
  - Janet, in Fortrie, 251
  - John, in Boighead, shoemaker, 237
  - John, of Menisey, 47
  - Sophia, wife of Alexander Keith of Northfield, 47
  - William, of Broadland, 332
  - Sir William, *cited*, 105
- Freeholders of Banffshire, roll of, 6
- French Invasion, descent on the Firth of Forth, 124; landing at Garmouth, Speymouth, in 1708, 124
- Preparations against, character, and payment of Scots recruits, 185
- Frendraught, Dowager of, on valuation roll, 272
- Viscount, 22, 47, 263; lands held by, 7, 63
  - James, 2nd Viscount, 16
  - Ludovick, warrant for transporting to Edinburgh Castle, 79; to Stirling Castle, 82; his petition, 82; his liberation, 83 *sq.*; signs Jacobite Bond of Association, 88
  - Viscountess, Christian, 16; her petition, 80 *sq.*

- Gamrie Parish, 418  
 Gairden, —, of Troup, 162, 390, 391, 393, 417  
 Garden (Gairden, Gardin, Gairne, Gardyne)  
 Garden, Alexander, of Troup (Major), 1st laird, 31, 65  
 — Alexander, of Troup, elder, 2nd laird, 31, 65, 66, 69, 72, 93, 111, 121, 132, 136, 140, 145, 147, 149, 217, 219, 224, 225, 233, 258, 259, 282, 283, 292, 297, 316, 317, 326, 329, 331, 332, 338, 345, 350, 375, 396, 407; wrote account of Buchan, 31; lands held by, 91, 115; letter to Nicolas Dunbar, *quoted*, 124; letters to Earl of Findlater, 171, 172; Deputy-Lieutenant for Banffshire, 303, 314, 350; his politics, 350; founded village of Gardenstown, 350  
 — Alexander of Troup, yr., (succeeded 1733), 292, 316, 317, 318, 338, 350, 374, 409, 411, 413, 416; 303, 314, 350; Civilist at King's College, Aberdeen, 374; his career, politics, and capture by Jacobites, 375-376  
 — Alexander, of Troup, M.P. for Aberdeenshire, 1768-1785, 375  
 — Alexander, of Troup and Minenie, on valuation roll of 1690, 274  
 — Francis, *see* Gardenstown, Lord  
 — George, Baillie, 374, 416  
 — George, at Blairshinnoch, constable, 409  
 — George, at Mill of Ribrae, constable, 227  
 — John, of Tarlair, 143  
 — John, recruit, 402  
 — Peter, of Troup, 375  
 — Mr. Thomas, of Tarlair, on valuation roll, 274  
 Gallowhill of Banff, Jacobite rendezvous at, 312  
 Gamrie (Gemrie) Parish, valuation roll of, 273, 274, 338  
 Gardenstown, Lord (Francis Garden of Troup), 375  
 Garronhead, Brae of, 369  
 Garrow, John, in Belnacoul, 419  
 Gartly Parish, 418  
 Gate, Walter, at Mill of Ealehouseburne, 227  
 Gaudie, Allan, 174  
 Gavil bridge, 358  
 Geddes, George, in Nethermill of Strathilla, 49 *and note*  
 Geddes, John, brewer, 225  
 Geilles, John, fiscal, 259  
 Gellie, William, in Alvach, brewer, 255, 261  
 — William, officer, 248, 249  
 Gelly, Rev. Alexander, of Fordyce, sermon at birth of Prince James, 61, 62  
 George I., King, accession in 1714, 134, 291  
 Gerard, Andrew, brewer, 258  
 Gerioch, sergeant, 240, 241  
 Gight, Laird of, lands owned by, 7  
 Gillean, Margaret, in Parrock, 243  
 Gillechranke, *see* Killiecrankie  
 Glass Market, on Hill of Invermerkie, 15  
 Glassaugh, Abercrombies of, 10  
 — Bridge, 359  
 Glen, James, in Blacktown, 418, 419  
 — Brown, 365, 366  
 Glenbucket, Laird of, 129  
 Glencairn, Earl of, 77; regiment raised by, 185  
 Glencoe, Massacre of, 102, 103  
 Glengerack (Glengarack, Glengaroch, Glengeroch, Glengarock), Bridge, 356, 357  
 — Gordons of, 43, 88, 357  
 — Laird of, lands held by, 64, 200  
 Glenlivet, road from, to Balvenie, 351  
 Glenshiel, Battle of (1719), 130, 138, 173  
 Godolphin, Earl of, Sidney, 131  
 Gordon, —, Captain, of General Blakeney's regiment, 373  
 — —, Mr., 348  
 — —, of Achynachie (Achoynanie, Achynaine), 162, 186, 258, 320, 337, 350, 351, 364  
 — —, of Aradoull, on valuation roll, 275  
 — —, of Ardmeallie, younger, 383  
 — —, of Avochie, 373, 376  
 — —, of Buckie, lands held by, 91  
 — —, of Buckie, yr., 347  
 — —, of Cobairdy, 373  
 — —, of Deskie, on valuation roll, 278  
 — —, of Clasterum, 389, 393  
 — —, of Glenbucket, 88, 263, 395  
 — —, of Glengarack, on valuation roll, 279  
 — —, of Gollachy, 124  
 — —, (Captain) of Lecathie, on valuation roll, 277  
 — —, of Park, 149, 160  
 — —, of Pitlurg, on valuation roll, 274  
 — —, of Straloch, lands held by, 100; on valuation roll, 277

Gordon, A., 88

- Ad., letters to Earl of Findlater, 174-176
- Adam, of Aberlour, on valuation roll, 279
- Adam, of Balgowen, out in the '15, 322
- Captain Adam, 43
- Alexander, *see* Auchintoul, Lord
- Alexander, on valuation roll, 271
- Alexander, of Aradoul, lands held by, 44, 64, 92, 147; on valuation roll, 270
- Alexander, of Auchintoul, Major-General, 87, 131, 287, 301, 312, 361; description of Siege of Narve, *quoted*, 128; lands held by, 129; commands Jacobite forces, 129; burgess of Banff and of Cullen, 130; his old age and burial place, 130; his history of Peter the Great, 130; out in the '15, 138; application for bridge on Burn of Auchintoul, 353, 354; solitary appearance at county meeting, 395
- Alexander, of Auchintoul, 147, 287; lands held by, 91
- Alexander (Francis), of Auchintoul, 149 *and note*
- Alexander, of Auchynachie (Achoynanie), 160, 196, 354
- Alexander, of Birkenburne, 162; on valuation roll, 275
- Alexander, of Cairnfield, 374, 387, 392, 412, 413, 416
- Alexander, of Cranno, 51
- Alexander of Edentor, on valuation roll, 274
- Alexander, of Edintore, 412, 413,
- Alex., of Glenbucket, Captain, 313
- Alexander, of Glengerack (Glen-garoch), 18, 43, 100, 148, 149, 301, 302; lands held by (1666), 43, 92
- Alexander, of Glengerack, 1698-1745, out in the '15, 322, 357; his career, 357, 358, 360, 362, 364, 396
- Alexander, of Keithmore, factor to the Duke of Gordon, 364
- Alexander Harry, of Muirak, 369, 371, 374, 377
- Alexander, of Pitlurg, 258
- Alexander, of Straloch, 126
- Sir Alexander, of Rothiemay, Justice of the Peace, 60
- Alexander, 1st Duke of, 68, 69

- Gordon, Alexander, 1st Duke, his influence and holdings in Banffshire, his politics, 68, 69; lands held by, 60, 99
- Alexander, 2nd Duke, 55, 65, 75, 93; out in the '15, and fought at Sherriffmuir, 395
- Anna, daughter of Mr. James, parson of Rothiemay, 16, 17
- Anna, wife of Mr. Alexander Ker of Knock, 45
- Anna, wife of Alexander Leslie of Buchrome, 37
- Anna, wife of John, of Beldornie, 24
- Archibald, son of Patrick, of Ardmeallie, 377
- Arthur, of Carnousie, 361, 362, 366, 371
- Mr. Arthur, of Law, 353
- Cadets who were loyal to James II., 69
- Castle, 69, 124, 399; gathering of Jacobites at, 308; occupied by Lieut.-Colonel William Grant, 313
- Charles, of Glengerack, 1692-1712, 357, 358
- Charles, of Glengerack, 1748 (merchant in Brechin), 358
- Charles, of Glengerack, 43, 44, 49, 50, 100, 111, 121, 197, 214, 217, 221, 225, 229, 233, 253, 259, 281, 396
- Charles, of Glengerrack, lands held by, 116; out in the '15, 138; on valuation roll, 275
- Cosmo George, 3rd Duke, 379, 395
- David (rent of Cornecairne given to), 9
- Mr. David, 8
- Mr. David, of Achoynonie, 111; lands held by, 116; on valuation roll, 275
- Duchess of, 379, 381
- Duke of, 36, 38, 41, 126, 130, 148, 149, 150, 151, 152, 157, 188, 189, 333, 410, 415; lands held by, 63; letter from, to Earl of Findlater, 155; on valuation roll, 270, 271, 277, 278, 279; schoolmaster at Bellie, 400; arrest in 1715, 124, 137; death, 137
- Dukes of, Jacobite leanings debar them from county administration, 395
- Elizabeth, daughter of Mr. James, parson of Rothiemay, 17
- Elizabeth, wife of Alexander Grant of Kirdels, 238

- Gordon, Francis, 88
- G., 55
  - George (rent of Cornecairne given to), 9
  - George, son of parson of Rothiemay, 16
  - George 1st (?), surrender of Edinburgh Castle, submission to William III., imprisonment, 78
  - George, 1st Duke, 395
  - George, 1st Duke, holds Edinburgh Castle for James III., 395
  - Sir George, of Achinhandoch, on valuation roll, 277
  - George, of Arradoul, 44, 111
  - George, of Buckie, 125 *and note*, 258, 301, 313, 338, 347, 367, 368, 370, 372, 411, 413; out in the '15, 322
  - George, of Carnousie, lands held by, 99, 116, 111, 113, 114, 232, 238, 241, 245, 248, 252, 257, 258, 259, 261, 264, 280, 281, 286, 289, 292, 301, 311, 329, 344, 351, 396; out in the '15, 138
  - Captain George, of Carnousie, 77
  - Sir George, of Carnousie, on valuation roll, 275
  - George, 4th laird of Coclarachie, 287
  - George, of Edinglassie, 9, 10
  - Sir George, of Edenglassie, Joint Sheriff-Principal of Banffshire, 29; 58, 59, 60, 61, 63, 65, 66, 69, 72, 75, 88, 96, 147, 148, 153, 154, 159, 161, 162; lands held by, 15, 91, 99; election as Commissioner of the Shire, 47, 53; Commission as Joint Sheriff of Banff, 51-53; services to William of Orange, and sufferings after Killiecrankie, 69, 76 *sqq.*; death and burial, 76, 77; on valuation roll, 277
  - George, of Glengerack, 358
  - George, of Glestirum, out in the '15, 322
  - George, of Muiraick, on valuation roll, 276
  - Sir George, of Tanoch, on valuation roll, 272
  - George, of Thorniebank, Justice of the Peace, 60, 145, 147, 148, 149, 150
  - Lord Harry, 148
  - Harry, of Avachie, out in the '15, 322
  - Helen, daughter of Sir John, of Park, 8
- Gordon, Isobel, wife of William Cumming of Auchry, 33
- James, 44, 242
  - James, of Aberlour, out in the '15, 352
  - James, of Ardmallie, commissioner of supply, 162, 232, 258, 287, 335, 338, 344, 347, 358, 359, 377, 387, 389, 391; on valuation roll, 271
  - James, of Ardmallie, younger, 287
  - James, of Birkinbush, on valuation roll, 270
  - James, of Carneddell, 149
  - James, of Cowfurach, on valuation roll, 270
  - James, of Daach (Davach), 111
  - James, of Easter Cambdell, on valuation roll, 278
  - James, of Letterfurie, 301
  - James, of Rothiemay, 148
  - Mr. James, of Zeochries (Zachrie), lands held by, 64, 91; on valuation roll, 271
  - Mr. James, parson of Rothiemay, 16, 17, 100, 146
  - Sir James, of Park, 130, 340, 342, 344, 345, 346; out in the '15, 322
  - Jean, *see* Altyre, Lady
  - John, 55
  - John, baillie of Banff, Sheriff-Depute, 58, 90, 149, 160
  - John, baillie of the regality of Enzie, 369, 395
  - John, of Achnoyananie, 354
  - John, of Ardmallie, 287
  - John, of Auchyndachie (Achinachie) 147, 149, 301, 302; on valuation roll, 275
  - John, of Balchirie, on valuation roll, 277
  - John, of Beldornie, 17, 51, 149; lands held by, 91; on valuation roll, 277
  - John, of Beldornie, 4th laird, 17
  - John, of Beldornie, younger, 24
  - John, of Buckie, lands owned by, 8, 148
  - John, of Cluny, 392, 393
  - John, of Dallochie (Dallowchy), 149, 160
  - John, of Davidstown, 89
  - John, of Drumwhindle (Drumquhindle), 338 *and note*, 344, 347
  - John, of Edinglassie, younger, 77 *note*, 149
  - John, of Glenbucket, signs Jacobite Bond of Association, 88, 301; out in the '15, 323

- Gordon, John, tutor, of Glenbucket, 69
- Colonel John, of Glenbucket, 311, 312
  - John, of Golochie, on valuation roll, 270
  - John, of Leterfurie, 182; on valuation roll, 270
  - John, of Nether Buckie, on valuation roll, 270
  - John, of Park, lands held by, 91, 115
  - Captain John, of Park, 373, 387, 389, 392, 393
  - Sir John, of Park, 8, 9, 72, 98, 105, 121, 122, 123, 130, 145, 148, 157, 162, 186, 199, 200, 203, 214, 215, 225, 226; patent as Knight Baronet, 66 *sq.*; claims precedence in suite roll, 101, 119, 220, 252, 253, 258, 292, 329, 396
  - Sir John, of Park (2nd laird), 8, 9, 15
  - Sir John, of Park and Ordiwhill, on valuation roll, 272
  - John, in Rothiemay, on valuation roll, 271
  - John, of Rothiemay, lands held by, 91, 101, 149
  - John, of Rothiemay, younger, 147
  - John, of Thorniebank, 146; on valuation roll, 270
  - John, of Upper Buckie, on valuation roll, 270
  - John, Provost of Banff, 33
  - John, uncle of the Earl of Aboyne, out in the '15, 323
  - Katherine, of Auchenchries, wife of Major-General Alexander Gordon, 128, 129
  - Katherine, portioner of Glengerack, 358
  - Katharine, wife of Mr. Jas. Gordon, parson of Rothiemay, 16
  - Lord Lewis, 373, 379, 395, 416
  - Magdaline, portioner of Glengerack, 358
  - Margaret, Lady Rannas, 348
  - Margaret, portioner of Glengerack, 358
  - Margaret, wife of Alexander Duff of Bracco, 49
  - Margaret (of Glengerrack), wife of James Hay of Rannas, 31
  - Margaret (of Park), wife of James Hay (1665), 31
  - Marie, 8
  - Nicola, wife of George Leslie of Tullich, 36
  - Mr. Patrick, "eldest son of Aberlour," out in the '15, 323, 352
- Gordon, Patrick (Peter), of Ardmeallie (Ardmely), Convener of the County, 138, 316, 317, 341, 350, 351, 352, 353, 357, 360, 361, 362, 364, 366, 367, 369, 370, 371, 374, 412, 413, 414, 415, 416; his career, 376, 377
- Patrick, of Auchenchries, Commander-in-chief of Russian army, 128
  - Patrick, of Clastirum, 149; on valuation roll, 270
  - Patrick, of Leichestoun, on valuation roll, 270
  - Peter (or Patrick), of Ardmeallie, younger, 287
  - Peter, Bonhall, 338
  - Captain Peter (Patrick), of Laichie, (Dufftown), 142 *and note*, 143
  - Robert, of Cairnfield, on valuation roll, 270
  - Sophia, 9
  - Thomas, 18
  - Thomas, of Cranach, lands held by, 92; on valuation roll, 279
  - Thomas, of Cranach, chamberlain to the Duke of Gordon, 159, 160, 162
  - Thomas, of Fodderletter (Fotherlater), 365
  - W., 88
  - William, of Birkinburn, yr., Comm. of Supply, 232, 258
  - William, in Craigiebrae, brewer, 256
  - William, of Craibstoun, 359
  - William, of Farskane, 49; on valuation roll, 270; Burgess of Cullen, 295
  - William, of Farskane, 3rd laird, 324, 325, 331, 342, 345, 359
  - William, of Glengerack, 358
  - Sir William, of Lesmore, 49
  - Sir William, of Park, Convener of Banffshire, 358, 370, 371, 372, 373, 411, 413, 414, 415; out in the '45, 372-373
- Govans, Andrew, in Craighead, brewer, 261
- Gowan, Andrew, in Stanley, tailor, 237
- Graham (Grame), David, advocate, 269
- Elizabeth, wife of Sir John Gordon of Park, 9
  - John, 67
  - John, of Claverhouse, *see* Dundee, Viscount
  - Walter, of Gartfers, lands owned by, 32



- Graham, Walter, of Monbleton, on valuation roll, 274
- Grange, Church of, 61, 62
- Bridge, 371, 377
- Parish, 418; valuation of, 279
- Grange and Keith Parish, 338
- Grant, laird of, 77, 140, 149, 160, 162, 288, 410; on valuation roll, 273, 275; tutor of, lands held by, 32
- Colonel, 327, 338, 349
- —, of Achnonnie, 388, 389, 390
- —, of Carron, 126; on valuation roll, 278, 279
- —, of Denlugas, 148, 159
- —, of Easter Galdwell, on valuation roll, 273
- —, of Kirdells, Captain, collector of excise, 224
- —, of Tochieniel, 386, 388, 391, 393
- Agnes, of Easter Galdwall, 288
- Alexander, of Allachie, lands owned by, 32, 35 *note*, 39, 40
- Colonel Alexander, of Arndilly and Achnonnie, 355, 356
- Alexander, of Bellintomb, 130, 258, 259, 289
- Alexander, of Bognduie, 282
- Mr. Alexander, Sheriff-Clerk of Elgin, tacksman of excise, 59 *and note*, 170 *and note*, 171 *and note*, 180
- Alexander, Brigadier-General, Lord-Lieutenant, 125 *and note*, 132, 299, 315, 316, 323; letter anent John Grant of Ballindalloch's arrears of cess, 261; order to garrison Boyne Castle, 314
- Alexander, of Grant, younger, 258, 261, 282
- Alexander, of Kirdels, Sheriff-Clerk of Moray, tacksman of excise, lands held by, 238, 239, 262
- Alexander, of Tochieniel, factor to the Earl of Findlater, 369, 372
- Alexander, of Whiteley, 369
- Ann, sister of the laird of Grant, 288
- Anna, wife of Sir Patrick Ogilvie of Boyne, 21
- Archibald, 1st laird of Bellintomb, 39, 288
- Archibald, of Papine, 325
- Sir Archibald, 390, 392
- Duncan, 2nd laird of Balintomb, 288
- Elizabeth, wife of Capt. John Grant, of Elchies, 260
- Mr. Francis, of Cullen, 258
- Sir Francis, of Bellintomb, *see* Cullen, Lord
- Grant, Sir Francis, of Cullen, 282, 289
- Captain George, 361
- George, in Clayfolds, 420
- Captain George, of Grant, 312
- George, of Kirdels (Cardells), 262
- Grant, Isobel, 249
- Helen, wife of Alexander Duff, of Keithmore, 39
- Isobel, of Easter Galdwall, 288
- James, 246, 249, 250
- Captain James, 331
- Captain James, of Elchies, 327
- James (the Bold), of Freuchie, 3rd laird, 260
- James, of Grant, 7th laird, 21
- James, of Ruthven, 338
- James, son of Robert, of Tombreckachie, 26
- Jean, wife of George Gordon, of Arradoul, 44
- Jean, wife of William Grant, of Arndilly, 288
- John, 88, 174, 175; on valuation roll, 278
- John, son of Robert, in Auchbreck, 25
- John, of Ballindalloch, 111, 133, 149, 248, 258, 268, 281; Jacobite sympathies, 88; lands held by, 91, 115; arrears of cess, 254, 256, 257; quartering upon his land, 261; letter anent, from laird of Grant, 261; arrears, debenture, 283, 284, 287, 288
- John, of Ballindalloch, 6th laird, 238, 260, 261
- John, yr., of Ballindalloch, Justice of the Peace, 60
- Lieut. John, yr., of Ballindalloch, 402
- John, of Boat of Fidach, on valuation roll, 279
- John, of Braes, on valuation roll, 278
- John, of Carron, 111, 258, 282, 327, 330, 331; lands held by, 116, 117
- John, of Culphoich, on valuation roll, 278
- John, of Delnabo, on valuation roll, 278
- John, of Easter Elchies, 111; lands held by, 116, 117
- Captain John, of Easter Elchies, 259, 282, 292, 330; his career, 260, 261
- John, of Freuchie, 5th laird, Chief of the Grants, 11
- Sir John, 6th, of Freuchie, Chief of the Grants, 37

- Grant, John, of Galdwall, 288  
 — John, Minmore, 420  
 — John, of Ruddrie, 282  
 — John of Tomnovillan, on valuation roll, 278  
 — John Peter, Sheriff-Substitute of Inverness, 37  
 — John Roy, of Ballindalloch, 7th laird, 69, 260; his career as a leading Jacobite, 262; forfeiture, 263  
 — Jonathan, 88  
 — Katharine, wife of Alexander Ogilvie of Kempcairn, 11  
 — Ludovic, of Freuchie, 8th laird, 37  
 — Ludovick, of Grant (Chief of the Grants), lands held by, 99; 165, 166, 238, 258; regiment raised by, 260, 263  
 — Margaret, wife of Alexander, of Allochie, 39  
 — Margaret, of Easter Galdwall, 288  
 — Marjorie, of Easter Galdwall, 288  
 — Marjory, wife of William Leslie, in Milton of Balvenie, 35 *and note*  
 — Mary, wife of Alexander Leslie, yr., of Bochrom, 36  
 — Patrick (1520), 262  
 — Patrick, in Achincleish, constable, 228  
 — Patrick, of Edenville, 260  
 — Patrick, of Elchies, 149, 160  
 — (or MacAlpine), Patrick, of Rothiemurcus, 37  
 — Patrick, son of John of Galdwall, 288  
 — Lt.-Col. Patrick, tutor of Grant, 37  
 — Patrick, *see* Elchies, Lord  
 — Robert, 88  
 — Robert, in Auchenbreck, 25  
 — Robert, of Dalvey and Dunlugus, 90  
 — Robert, of Delnabo, on valuation roll, 278  
 — Robert, of Dunlugus, 72, 98, 197, 205, 225, 227, 228, 231, 232, 233, 236, 238, 240, 241, 245, 248, 251, 257, 258, 259, 264, 268, 281, 284; lands held by, 91; on valuation roll, 276  
 — Robert, of Tamore (Tammore), 361, 389  
 — Robert, of Tombreckachie, 26  
 — Robert, yr., of Tombreckachie, 26  
 — Thomas, of Achoynanie and Arndilly, Deputy-Lieutenant, 289, 292, 297, 303, 309, 318, 324, 325, 338, 339, 342, 343, 344, 377, 379, 396, 408; his career and his lands, 354, 355, 356
- Grant, Thomas, of Airdendilly, 140  
 — W., 88  
 — Walter, of Arndilly (Arndilly, Edendillie), 111, 130, 162, 259, 282, 288, 289, 295, 324, 329; lands held by, 116, 117; on valuation roll, 273  
 — Walter, 2nd laird of Arndilly, 355  
 — Walter, of Mill of Papin, on valuation roll, 273  
 — Colonel William, 261, 288, 316  
 — William, of Arndilly, 288  
 — Colonel William, of Ballindalloch, 132, 313, 317, 330, 331; lands held by, 132  
 — William, of Blairfindy, on valuation roll, 278  
 — William, of Creichie, tutor, of Rothiemay, 101
- Grantown to Braemar Road, via Tomintoul, 383
- Grants, Chiefs of the, lands owned by, 38, 260
- Grant's Regiment, 125
- Gray, Alexander, brewer, 258  
 — James, fined for swearing in face of Court, 241, 242  
 — Mr. James, 304  
 — Thomas, 242  
 — Thomas, at Rothiemay, 242
- Green, Captain, of the *Worcester*, trial for piracy and murder, execution at Leith, political effects of his execution, 118  
 — John, in Whitehouse of Edinville, 419  
 — William, in Mains of Kinnermonie, 419
- Gregor, Alexander, in Hillside of For-dyce, 182
- Gregory, —, of Kinairdie, 162  
 — Alexander, of Netherdale, lands owned by, 23  
 — (Gregorie), D., 55
- Gregorie, David, of Kinairdie, lands held by, 92; on valuation roll, 271  
 — David, of Netherdale, Burgess of Aberdeen, 22, 23  
 — Mr. John, minister of Drumoak, 23
- Greig, Andrew, in Minornie, brewer, 224
- Guard of the Shire, the, 142 *sq.*
- Gushet Bog, 390
- Guthrie, —, of Guthrie, Bishop of Moray, 30  
 — Agnes, wife of George Hay, 30  
 — Sir Harry, of King-Edward, lands owned by, 31, 147, 148

- Hackatt (Hackat), Isobel, wife of Alexander Abernethie of Auchinclech, 24, 25  
 — Walter, of Cairntoune, constable, 283  
 Halcraig, Lord (Sir John Hamilton), M.P. for Cullen, 103  
 Hamesucken, case of, 397  
 Hamilton in Gebston, 395  
 Hamilton, Duke of (1687), 157  
 — Colonel George, 187, 188  
 — Isobel, wife of John Innes of Edingight, 45  
 — James, of Cowbardie, 258  
 — Janet, wife of Alexander Leslie, yr., of Kininvie, 36  
 — Mr. John, 338, 341  
 — Sir John, *see* Halcraig, Lord  
 — Katherine, wife of John Leslie of Meyr Clenie, 36  
 — Mary, wife of Mr. James Skinner in Thriepland, 22  
 — Robert, Sheriff-Depute, brother-in-law of Archbishop Sharp, 5, 7  
 — William, 2nd Duke, 239  
 Hard, William, at Nethermill, 124  
 Harley, Robert, *see* Oxford, Earl of  
 Harper, Christian, in Tullos, 251  
 — Gilbert, weaver, in Northfield, 327  
 Harvie, Lillie, wife of James Gordon, yr., of Ardmeallie, 287  
 Hay, —, Colonel, out in the '15, 332  
 — — Mr., weaver and heckler, in Banff, 405  
 — —, of Arnboth, younger, 348, 352,  
 — —, of Rannes, 147, 149, 160, 338  
 — —, of Rannas, younger, 393; in the '45, 396  
 — Alexander, 280  
 — Alexander, of Arnboth, 30, 147, 148, 159, 162, 180  
 — Mr. Alexander, "son to Rannas," 389  
 — Andrew, of Dalbreich, 30  
 — Andrew, of Mountblairie, 31, 140  
 — Mr. Andrew, of Montblairie, Commissioner of Supply, 232, 236, 238, 240, 245, 248, 251, 252, 257, 258, 259, 261, 264, 281, 282, 292, 329, 334, 337, 339, 342, 343, 344, 380, 385, 391; on valuation roll, 276  
 — Mr. Andrew, of Montblairie, yr., collector, 292, 293, 297, 298, 299, 320, 321, 325, 326, 327, 361, 362, 366, 403, 406, 409, 412, 413  
 — Andrew, of Montblairie, younger, Sheriff-Depute of Banffshire (1714) 134 *sq.*; enrolled for barony of Itlaw, 139  
 Hay, Andrew, yr. (1713-1789) of Rannas, out in the '45, 349, 410, 412, 413  
 — Mr. Andrew, of Scotstoun, on valuation roll, 275  
 — Anne, 30  
 — Colonel Lord Charles, 366, 383  
 — Charles, of Rannas, 31, 301, 342, 344, 347, 396, 410; lands owned by, 348, 349; out in the '15, 138, 322  
 — George, of Gavill, 358  
 — George, of Mountblairie, 392  
 — George, of Rannas, 30  
 — George, rector of Rathven, 30  
 — J., 67  
 — James, in Banff, merchant, 31  
 — James, of Inchgarvie, 349  
 — James, of Muldavet, lands owned by, 7, 30  
 — James, of Rannas, 215  
 — James, of Rannas (c. 1592), 30  
 — James, of Rannas (succeeded 1654), 30  
 — James, of Rannas (succeeded 1666), 31  
 — James, of Rannas (1690), on valuation roll, 270; lands owned by, 348, 349  
 — James, in the Raphen, 349  
 — John of Echries (Echeres), on valuation roll, 280, 349  
 — Captain John, of Echries, tutor of Rannas, 30, 31, 65, 66, 69, 148; lands held by, 92  
 — John, of Langshed, 30  
 — John, of Milldavit, 125 *and note*, 270, 349; out in the '15, 322  
 — John, of Poldavid (? Muldavit), 258, 281  
 — John, of Rannas, 348  
 — Joseph, 30  
 — Katherine, 30  
 — Lady Katherine, wife of Jas. Baird, yr., of Auchmedden, 30  
 — Margaret, in Caldham, 248, 249  
 — Mary, 349  
 — Walter, of Rannas, lands held by, 91  
 — William, of Clunchill, 30  
 Hays of Kinnoul, 332  
 — of Lenplum, cadets of the Tweeddale family, 30  
 Hector, Alexander, mason, 361, 363  
 — William, mason, 361, 363  
 Henderson, James, in Milton, 243  
 — James, servant, 243  
 — John, 420  
 — Mr. John, schoolmaster, 418  
 — Thomas, 45  
 Heritors' Titles, exhibition of, revision of suite roll by Sir James Ogilvie, 97

- Highland marauders, near Keith, 17, 18, 43  
 Highlanders, requisitions by, 314  
   — Act for the disarming of, 401  
 Highways, *see* Roads  
 Hooke, Colonel, 123  
 Hope, J., 282  
 Horne, James, in Easter Hagges, constable, 231  
   — John, servant, 243  
 Hume, Patrick, letter to Sir James Ogilvie (Earl of Seafield), 167  
 Huntly, Dowager Lady, on valuation roll, 277  
   — Earl of, George, 4th Earl, 4  
   — Lady, 147  
   — Marquis of, lands owned by, in 1664, 7, 10, 48, 124, 137, 146, 147, 301, 308, 309, 312  
   — Alexander, out in the '15, 323, 348  
   — George, 4th Marquis, 5  
 Hyndford, Earl of, John (Lord Carmichael) Secretary of State for Scotland, his account of Earl of Seafield, 105
- Inglis, Alexander, 96  
 Inneravine Parish, 338, 361  
 Innes, —, of Coxton, 301  
   — —, of Edingeth, 149, 160  
   — —, of Kinermondie, on valuation roll, 279  
   — Adam, of Towiebeg, 72 *note*; on valuation roll, 273  
   — Alexander, on valuation roll, 271  
   — Alexander, collector, 269, 361, 377, 378, 393, 407  
   — Deputy receiver for cess of 1716-1717, 326, 327  
   — Provost of Banff, 360, 367, 368, 369, 370, 409, 412, 413, 414  
   — Joint Sheriff-Clerk, clerk to Justices of the Peace, 401; clerk of supply, 402  
   — Alexander, of Rosieburn, 371, 378, 379, 380, 381, 383, 385, 387, 388, 390, 391, 392, 393  
   — Alexander, of Whitehill, 358, 377  
   — Beatrix, of Auchintoul, wife of Alexander Urquhart of Fishrie, 15  
   — George, receiver depute, 417  
   — George, in Achincleish, weaver, 244  
   — Sir George (Alexander), of Coxton, 101  
   — Sir George, of Dunoon, 38  
   — James, 242  
   — Captain (Colonel) James, overseer of roads, 344, 345, 346, 347, 348, 349, 350, 352, 353, 358, 360, 362, 363, 364; his death, 377, 378
- Innes, James, of Auchrosk, 145  
   — Sir James, of Kinermony, 111; lands held by, 116, 117  
   — James, of Lichnet, 46; lands held by, 93; on valuation roll, 273  
   — James, of Ortoune, 38  
   — James, Baillie of Banff, 361, 364, 368, 369, 370, 371  
   — James, Provost of Banff, 371, 374, 375, 377, 416  
   — James, Treasurer of Cullen, 356  
   — John, 280  
   — John, of Edingeth, 43, 64, 111, 121, 147, 186, 196, 199, 200, 203, 205, 219, 225, 233, 238, 253, 258, 259, 281, 292, 325, 329, 338, 342, 343, 344, 345, 347, 250, 351, 353, 354, 355, 356, 357, 358, 359, 366, 367, 369, 370, 371, 374, 379, 384, 387, 393, 396, 410, 411, 413, 416; lands held by, 45, 46, 92, 111, 116; letter from, to Earl of Findlater, 161; on valuation roll, 279  
   — John, elder, of Edingeth, 132, 136, 162  
   — John, yr., of Edingeth, Joint Sheriff-Clerk, clerk to Justices of the Peace, 46, 258, 292, 320, 325, 329, 338, 360, 362, 364, 366, 367, 369, 370, 371, 401, 411, 413  
   — John, of Edingeth, Burgess of Cullen (1669), 295  
   — John, of Edingeth and Birkenburn, 75  
   — John, of Knockorth, on valuation roll, 271  
   — Colonel John, of Lichnet (and of Dipple), 43, 46  
   — John, of Muriefauld, 387, 388, 389, 391, 393  
   — John, in Woodside, 242  
   — Marie, wife of John Gordon of Leterfurie, 182  
   — Mr. Patrick, minister of Banff, sermon on birth of Prince James, 61, 62, 152, 155  
   — Peter, of Succoch (Succoch), 111; lands held by, 116, 117  
   — Sir Robert, of Balvenie, 38  
   — Robert, in Banff, writer, 409  
   — Robert, of Culvie, 358, 360, 364, 369, 370, 371, 374, 377, 379, 412, 413, 416  
   — Sir Robert, 5th Baron, of Innermarkie and of Balvenie, 38  
   — Sir Robert, of Innes, Baronet of Nova Scotia, 46  
   — Sir Robert, of Kinermonie, 32; lands held by, 91

- Innes, Robert, town clerk, 420  
 — Thomas, in Bracco, 341, 343, 345  
 — Thomas, of Muriefold, 338 *and note*, 347, 353, 354, 356, 357, 360, 366, 410, 411, 412, 413, 414  
 — Mr. Walter, of Auchluncart, 143, 146  
 — Walter, of Badinfinch, on valuation roll, 273  
 — Sir Walter, of Balvenie, 38  
 — William, portioner of Balnamoon, 46  
 — William, of Kinnermonie, Justice of the Peace, 38, 60, 145  
 Inveravon Parish, 418  
 Inverboyndie, Church of, 11  
 Inverkeithney, valuation roll of Parish, 272, 338; bridge at, 351; road to Boat of, 391  
 Inverkeithny Parish, 418  
 Inverlochy, 77, 78  
 Inverness captured from Jacobites, 312  
 Inverugie Bridge, 358  
 Inverurie, included in Elgin Burghs, 123; battle of, 416  
 Inverurie and Inverchobit, on valuation roll, 278  
 Irvine, Janet, in Haddo, 250  
 Islay, Earl of (1715), 129  
 Isle of Corncairn or Ordewhill, 77  
 Itlaw, Laird of, 64, 65, 126  
 Jack, William, constable, 242  
 Jackson, —, Colonel, 85  
 Jacobite Risings, the Fifteen, Banffshire noblemen and lairds involved in, 129, 130, 137, 301, 322; Spanish landing in West of Scotland, 138; letter from Birse to General Mackay, 262; Bond of Association signed at Tomintoul, 263; preparations against, 291, 293, 291 *et seq.*; Standard raised at Braemar, 299; Rendezvous of men of the Forest of Boyne, 308; Militia called out, double tax on those who would not serve, 310, 311; the Forty-five, 372; capture of Garden of Troup, 375; condition of the country, 376  
 James II., King, preparations against invasion by William of Orange, 62; his death, 109; amount voted to, by his first Parliament, 148  
 James VII., King, 395  
 James VIII., King, 309, 310, 312  
 James, Prince (son of James II.), rejoicings at his birth, 61  
 Joass (Joice, Joss, Josse)  
 Joass, —, of Colleynard, elder and younger, 286  
 — John, of Colleonard, Sheriff-Depute, 132, 136, 138  
 — John, of Colleonard, 316, 317, 320, 325, 358, 360, 361, 362, 364, 366, 367, 369, 370, 371, 374, 377, 379, 383, 385, 412, 413, 416  
 — Thomas, of Colleonard, lands held by, 41, 42  
 — Thomas, in Hiltoun of Blairshinnoch, 143  
 — Mr. Wm., of Colleonard, preacher, 41, 42, 55, 64, 65, 72, 75, 93, 98, 111, 121, 162, 188, 194, 196, 199, 200, 203, 204, 205, 209, 214, 217, 219, 220, 224, 225, 227, 228, 229, 231, 232, 233, 234, 236, 238, 240, 241, 245, 251, 252, 253, 254, 257, 258, 259, 261, 264, 265, 268, 281, 282, 283, 284, 286, 290, 292, 297, 298, 329; lands held by, 92, 116  
 Jock, George, in Monblettoun, weaver, 237  
 Johnston, —, of Craig and Tulos, on valuation roll, 273  
 — Andrew, in Corskie, brewer, 256  
 — James, Secretary of State for Scotland, 102  
 — John, of Elrick, 369, 370, 412, 413  
 Justices of the Peace, appointments in Banffshire, 60, 281; wages regulated by, 226; constables appointed to act under, 227; old Acts of, 229; Jurisdiction in Regalities and Royalties, 245  
 Keirie, John, of Silverford, on valuation roll, 274, 276  
 Keith (town) 189, 205, 212, 217; payment to tax roll of Royal Burghs, 215; Parishes included in district of, 222; postal service to Banff, 222; arms delivered up in 1716, 323; roads from, to Banff and to Portsoy, 339, 352, 353, 358, 380, 384, 391; to Boat of Fiddich and to Balvenie, 393, 395; Bridge of (Auld Brig), 378; Parish, 11, 390, 392, 418  
 Keith, *see also* Marischal, Earl  
 — —, Lord, 162  
 — Alexander, of Northfield, 47, 369, 374, 412, 413, 416; Out in the 15, 322  
 — Alexander, of Troup, in Gamrie, 4  
 — Lady Anne, wife of (1) Earl of Moray, and (2) Earl of Argyle, 4

- Keith, Elizabeth, wife of George Baird, II.  
 — of Auchmedden, 4  
 — George, 55  
 — George, of Northfield, Justice of the Peace, 46, 60, 64, 72, 147, 148, 159; lands held by, 47; on valuation roll, 274  
 — Field-Marshal James, fell in battle of Hochkirchen, 173  
 — Sir William, of Ludquharn, lands owned by, 32  
 Keithmore, Laird of, on valuation roll, 277  
 — in Mortlach, Duff of, 38  
 Kemp, William, constable, 384  
 Kempcairne (Kempkairne, Kemptcairne), Laird of, 8, 148, 186, 200; lands held by, 11, 63  
 — Ogilvie of, 11, 89  
 Kennmuir, Viscount of, 77  
 Kennedy, Isobel, 249  
 — Isobel, yr., 248  
 Kappoch, on valuation roll, 278  
 Ker (Keir, Kerr), —, Mr., 151  
 — Alexander, in Hillside of Fordyce, 182  
 — Mr. Alexander, of Knock, minister of Grange, 43; lands held by, 44  
 — Andrew, 45  
 — Bessie, 45  
 — Helen, 45  
 — Isobel, 45  
 — James, 45  
 — Mr. John, 45  
 — Katherine, 45  
 — Patrick, 45  
 — William, 29  
 Killiecrankie (Gillecranke), battle of, 76, 77, 79, 161, 185, 262  
 Killmachleone (Kilmachlie), Laird of, 7, 55, 64, 65, 75, 149, 160  
 Killtack of Kinermonie, 419  
 Kilminty, Laird of, 132  
 Kinairdy Bridge, 344, 356, 357  
 — Laird of, 55, 58, 64, 65, 188  
 Kinermonie (Kenermonie), Innes of, 38  
 — Laird of, 64  
 King, —, wife of George Gordon of Arradoul, 44  
 — Walter, in Newmylnes, brewer, 225  
 King's College, Aberdeen, 33, 44  
 Kininvie, Laird of, 186  
 — Leslie of, 34  
 Kinloss (Kingloss, Abbacy of, 32, 64  
 Kinminitie, Laird of, yr., 148  
 Kiuminnitie, Laird of, lands owned by, in 1664, 7, 43, 88, 221, 225  
 — Sutherlands of, 12  
 Kinnoul, Earl of, 300, 303, 307 *note*, 381  
 — Hays of, 137  
 Kinross, representation in Parliament, 19  
 Kintie, Thomas, in Dreadlein, weaver, 237  
 Kintore, included in Elgin Burghs, 123  
 Kirdels, Grant of, 238  
 Kirkmichael Parish, 418; valuation roll of, 278, 338  
 Knockorth, Laird of, 292, 351, 352  
 Lady's Bridge on Burn of Boyndie, 353  
 Laing (Laynge), John, factor for Ferguslie, 222  
 Land valuation and taxation, old and new extent, valuation of, 1474, and of 1634, 141; land tax during the Commonwealth, 142; re-valuation in 1653, 143 *sq.*; valued rent of 1667, the basis of taxation until Valuation Act of 1854, 145; contributions of England and of Scotland to land tax, 284, 397  
 Landward of Banff, valuation roll, 274  
 Larg, Margaret, in Haddo, 251  
 Lathers, Laird of, lands held by, 64  
 Lauder, Helen (Dowager Lady Banff), wife of James Hay, 31  
 — Helen, wife of (1) George, 4th Lord Banff, (2) Alexander Gordon of Glengerack, 357  
 Law, Mr. Thomas, of Newtown, 162; on valuation roll, 273  
 Lawtie, Elizabeth, wife of Mr. George Dunbar of Castlefield, 294  
 — James, of Tochieneill, letter to, from George Leslie of Burdbank, 163  
 — William, in (of) Myrehous, 143, 144  
 Leaders of horse in Banffshire, 147  
 Lecht, the, 365, 366  
 Leg, Arthur, in Monblettoun, weaver, 237  
 — Gilbert, in Invereichnie, weaver, 237  
 — James, in Avulds, weaver, 237  
 — William, in Achmore, constable, 408  
 Legget, George, in Bades, weaver, 237  
 Leith, Alexander, in Whyntie, 181  
 Leith-Hays of Leith-hall, 349  
 Lemmen, James, in Inshcoursie, 243  
 Leslie, Alexander, *see* Leven, Earl of  
 — (Lesly, Leslye), —, of Eden, 8  
 — —, of Kininvie, 147  
 — Alexander (in) of Bachrome, 32, 35, 36, 37; on valuation roll, 277  
 — Alexander, of Kininvie, 34, 37, 225, 227, 228, 234, 258, 259, 268, 364, 370  
 — Alexander, yr., of Kininvie, 36, 37, 111  
 — Alexander, at Mill of Portlassies, 35  
 — Alexander, of Tullochallum, 35

- Leslie, Alexander, of Upertulos, 273  
 — Colonel A. Y., of Kininvie, 34  
 — Anne Francisca, wife of John Roy Grant of Ballindalloch, 263  
 — Bathia, wife of Dr. James Saunders, Banff, 297  
 — Elspet, wife of Walter, of Tullich, 35  
 — George, son of Patrick, of Melrose, 297  
 — George, of Burdshank (1st Laird), Councillor of Cullen, Commissioner to Convention of Royal Burghs, 181  
 — George, of Burdshank (3rd Laird), Sheriff-Clerk of Banffshire, 6, 70, 72, 73, 98, 136, 140, 162, 175, 178, 179, 180, 181, 182, 183, 184, 186, 188, 189, 190, 194, 196, 199, 203, 208, 233, 238, 252, 257, 294, 296, 297, 401; letters from, to Earl of Findlater, 149, 153, 154, 155, 157, 158, 160; to James Lawtie, 163; letter to, from Earl of Findlater, 152; Collector, superseded and reinstated, 162, 165, 179; his official posts, 183; lands held by, 183; imprisoned for debt to the town of Cullen, 183; his family, 184  
 — George, of Doune, on valuation roll, 274  
 — George, of Drummuir, 34  
 — George, of Parkmore, on valuation roll, 277  
 — George, of Tullich, 36, 100  
 — Isabella, mother of Archbishop Sharp, 35  
 — James, son of John, of Kininvie, 37  
 — Sir James, Commandant at Inverness, 263  
 — James, of Kininvie, 162, 369, 389  
 — James, of Tullich, 140  
 — Mr. James, of Tullich, 37, 111, 258, 282, 297, 325, 329, 338, 342, 349, 351, 367, 408, 411  
 — John, of Auquhorsk, Justice of the Peace, 60  
 — John, in Cluniemore, 35  
 — John, of Enochs, 35  
 — John, of Kininvie, Justice of the Peace, 32, 37, 60, 64, 65, 93, 111, 148  
 — John, of Kininvie (6th Laird), 35 *and note*; lands held by, 92; on valuation roll, 277  
 — John, of Meyr Clenie, 36  
 — John, of Mudhouse, 35  
 — John, of Parkbeg (Parkbog), 35, 36, 50; on valuation roll, 277  
 Leslie, John, yr., of Parkbeg, 35, 36  
 — Mr. John, of Tullich, 100, 147, 162; lands held by, 92; on valuation roll, 377  
 — John, son of Walter, of Tullich, 36  
 — Margaret, wife of Walter Grant of Arndilly, 288, 289  
 — Mary, daughter of Patrick, of Melrose, 297  
 — Patrick, 123  
 — Count Patrick, of Balquhain, 263  
 — Patrick (Peter), of Melrose, Clerk of Supply, Sheriff-Clerk (son of George of Burdshank), 111, 117, 121, 132, 184, 219, 259, 265, 285, 289, 290, 292, 296, 297, 334  
 — Robert, of Findrassie, lands owned by, 181  
 — Walter, of Tullich, 31, 35, 36, 64  
 — William, of Burdshank (2nd Laird), Scots Commissioner, heritor of Old Mill of Cullen, 147, 181; lands held by, 181, 182  
 — William of Melrose (Melross), 297, 358, 360, 362, 364, 366, 367, 369, 370, 378, 382, 385, 388, 412  
 — William, of (in) Milton of Balvenie, 35, 288  
 Lesmurdie, Laird of, 5, 7, 64  
 — Steuarts of, 25  
 — Strachans of, 25  
 Letach and Donnan, on valuation roll, 278  
 Lethen, on valuation roll, 275, 280  
 Letterfourie, Gordons of, 352  
 Leven, Earl of, Alexander Leslie, 1st Earl, 34  
 — David, Governor of Edinburgh Castle, 82  
 Levies of Horse and Foot, of 1663-1696, 184-186; of 1696-7, 186 *et seq.*; local officers qualified, 190  
 Lilburne, —, Colonel, 142, 143  
 Lillie, William, 420  
 Lindsay, Janet, 379  
 Linen, manufacture of, stamp masters and places for stamping appointed, 290; flax growing, bleaching, and spinning at Cullen, 382; legislation anent, quantity of linen exported from Scotland, 405; encouragement of, in Banffshire, 405, 406  
 Linlithgow, Earl of, 170  
 Lint dressing, 404, 405  
 Lintush, Laird of, 100  
 Little Cantly, on valuation roll, 275  
 Littlejohn, —, 100  
 Livingstone, Sir James, of West Quarter, 239

- Livingstone, Sir Thomas, Commander-in-Chief of the Forces, 78, 79, 82, 83, 86, 89, 260  
 — William, "commissary for furnishing the Dragoons' corn and straw," 167, 168, 169
- Lobon, John, in Ternemnie, 244
- Lochtervandich, Cumines of, 32, 33 *and note*
- Lockart, Mr., 306  
 "Lodging of Airlie" in Duff House Gardens, 79, 107
- Longmuir, Mr. Alexander, schoolmaster, 419  
 — Andrew, 243, 419, 420  
 — James, in Portsoy, constable, 409
- Lord-Lieutenant and Deputy-Lieutenants in 1715, 302, 303
- Lords of Justiciary, attendance of Freeholders on, protest of Freeholders, 127, 286
- Lorimer, Alexander, in Claymyres, 243  
 — James, servant, 301  
 — John, 314, 315  
 — John, servitor to Earl of Seafeld, 135  
 — Peter (Patrick), factor to Earl of Findlater, 359, 360, 363, 365  
 — William, chamberlain to Earl of Findlater, 198, 281, 296, 298; letters to, from Deskford, Lord, 303, 306, 307; letters to, from Findlater, Earl of, 299-303, 314, 316; letter to, from Ogilvie, James of Boyne, 308; letter to, from Philip, John, 305; letters from, to Deskford, Lord, 306, 318; letters from, to Findlater, Earl of, 315  
 — William, in Caldham, 243, 244  
 — William, in Dytach, 316
- Louis XIV, of France, 185, 305, 308
- Lovat, Lord, 312
- Low, Gavin, in Balnoon, constable, 228
- Lumsden, George, brewer, 255  
 — George, in Monblettoun, weaver, 237
- Lyon, Alexander, son of John, of Muiresk, 18  
 — John, elder of Craigston, Muiresk, and Beldornie, 17  
 — John, of Muiresk, lands owned by, 19  
 — John, younger, of Muiresk, 17, 18, 19
- Macduff, Lord, 392
- Macer, *see* Messer
- MacGill, —, Colonel, 188
- McGregor, John, 88  
 — Patrick Roy, 17, 18, *and note*
- MacIntosh (McIntosh), Lauchlan, 17
- McIntosh, Lauchlan, of —, 147  
 — Lachlan, merchant, Elgin, 310
- McIver, William, 187
- Mackay, Major-General Hugh, letters anent Sir George Gordon of Edenglassie, 75, 76, 86, 90, 161; recruits in Scotland in 1689, 184; letter to, from Jacobites, 262, 263
- Mackenzie, Colin, of Pluscarden, 38  
 — Thomas, of Pluscarden, 38
- McKenzie, Hector, soldier, 397, 398  
 — K., 88
- Mackie, George, factor to Lord Deskford, 338, 340, 344, 347, 353
- Mackonachie, John, mason, 369
- McLean, Alexander, 391, 394
- McLeod, —, 416
- Macpherson, Alexander, 189  
 — James, freebooter, 104, 294
- McPherson, Lachlan, servant, 242  
 — Paul, of Knocken, on valuation roll, 273
- Mair, Gilbert, of Awalds, 143  
 — James, at Overmylne, brewer, 224  
 — William, 403  
 — William, servant to Corskie, 251
- Maitland, Richard, 72
- Malcolm, Mr. George, schoolmaster, 418, 419
- Malt Tax, 332; extension to Scotland, 131, 403; tax imposed, consequent riots, 404
- Mar, Earl of, 21, 129, 137  
 — Earl of, John, 109; regiment raised by, 121, 185; out in the '15, 302, 305, 309; Commander of Jacobite Forces, letter from, calling out militia, and imposing tax, 310, 311  
 — Margaret, first wife of Mr. James Gordon, parson, of Rothiemay, 17
- Marischal College, fights with students of King's College, 331  
 — Countess, Marie Drummond or Keith, letter from, to Earl of Findlater, 173  
 — Earl of, (Keith), 126, 130, 147, 162, 188, 197, 228; lands owned by, 7, 63, 119; on valuation roll, 277  
 — —, 10th Earl, involved in Jacobite Landings on West of Scotland, 138, 173  
 — George, 8th Earl, 47; his politics, 78; on commission to visit Scottish Universities, 78; lands held by, 90, 99; his death, 172



- Marischal, William, 145, 252, 281  
 — William, 4th Earl, 4  
 — William, 9th Earl, 172, 173
- Mark, —, Baillie, 55  
 — (Mart), John, Provost of Banff, Sheriff-Depute of Banffshire, Commissioner, 134 *sq.*, 136, 138, 265, 286, 292, 297, 298, 301 *and note*; superseded as Sheriff-Depute 319; superseded as Provost, 321, 325, 329
- Market prices of bear and barley, 1696-7, 189
- Marlborough, Duke of, John Churchill, 1st Duke, 131
- Marnoch Churchyard, 130  
 — Kirk, road from, to Banff, 340, 341, 379, 380, 390; to Hill of Cramond, 385  
 — Parish, 338
- Mary, wife of (1) Alexander, 3rd Earl of Callander, (2) Sir James Livingstone of West Quarter, (3) Boyne, Lord, 239
- Masham, Abigail, Lady, 131
- Mason, George, factor, 385
- Massie, Alexander, in Greinley, shoemaker, 237  
 — Andrew, in Northfield, taylor, 237
- Mawet, John of Golachie Mill, on valuation roll, 270
- Maxwell, James, 282
- Mayen, Laird of, on valuation roll, 271
- Mearns, 167, 168
- Measone, William, in Cushnie, constable, 228
- Meldrum, —, of Lathers, lands held by, 91  
 — Mr. George, minister of Glass, Laird of Crombie, Marnoch, 39, 72, 100, 162; lands held by, 91; on valuation roll, 271  
 — Isobel, wife of Alexander Gordon of Auchintoul, 287  
 — Jean, wife of Jas. Duff of Crombie, 350  
 — Margaret, wife of James Ramsay, in Melrose, 32  
 — Peter, of Lathers, Justice of the Peace, 60  
 — Peter, of Lichnet, 60, 143
- Melville, Earl of, George, Lord President, 103
- Menie, John, procurator fiscal, 294
- Mercer (Macer, Merser, Meser, Messer), Mr. Thomas, of Todlaw, 46, 64, 65, 75, 93, 111, 114; lands held by, 91; on valuation roll, 275
- Meyen, Abernethie of, 24, *see* Mayen
- Militia of Scotland, levies in Banffshire, 160, 177; number, appointment, and obligations of levies in 1663, 184; regiments recruited at the Revolution, 184; levy of 1693 and of 1695, 185; Act of 1663, provisions of, 185; called out by Jacobites, 310
- Mill, Alexander, 242, 338  
 — Alexander, at Mill of Alvach, 249, 408, 409  
 — Alexander, factor for Duff of Bracco, 138  
 — Elspet, at Scotsmylne, brewer, 255  
 — George, in Paddocklaw, constable, 409  
 — James, 365  
 — James, at Mill of Boyndie, 403  
 — John, in Monblaiton, constable, 409  
 — Robert, 242  
 — Robert, in Rothiemay, 243  
 — William, in Dunlugus, 255
- Millegan Bridge, 341, 343
- Milne (Mylne), Alexander, at Mill of Alvach, constable, 227, 384  
 — James, at Mill of Boyndie, 420  
 — John, at Boyndie, 347
- Minimor, Letach, and Overdounen, on valuation roll, 278
- Minutes, book of Barons and Freeholders of Banff, 1; book of Commissioners of Supply, 178, 329; authentication and date of, 197
- Mitchell, James, 249  
 — James, of Achanacie, 130  
 — Walter, lands held by, 92; on valuation roll, 279  
 — William, in Inshcorsie, 243
- Moir, Alexander, smith, 394
- Moncrieff, Sir Thomas, 213
- Monk, George, General, 5, 181
- Monro, *see* Munro
- Moray (Murray), Bishop of, 32, 64; lands held by, 93; on valuation roll, 275  
 — Earl of, James Stewart, Regent of Scotland, 4
- More, Barbara, brewer, 258
- Morgan, Magnus, in Doune, brewer, 255
- Morison, Alexander, of Glashauchs, on valuation roll, 276
- Morrison (Mooresone, Moresone)  
 — —, of Bognie, lands held by, 91  
 — Alexander, brewer, 225  
 — Alexander, weaver, 237  
 — James, 249  
 — Patrick, schoolmaster, 296

- Morrison, Robert, in Rathen, brewer, 258  
 Mortimer (Mertimer), George of Auchinbadie, 143; on valuation roll, 276  
 — Robert, brewer, 225  
 Mortlach Parish, 418; valuation roll of, 277, 338  
 Morton, Earl of, 87  
 Muggach, Alexander, brewer, 173  
 Muirden, 31  
 Muiresk (Muirhouse), Lyons of, 8, 17; Laird of, 24  
 Muldavit, Hays of, 30  
 Munro (Monro), Alexander, in Backlaw, 419  
 — Helen, of Miltoun, wife of William Leslie of Burdbank, 181, 182  
 — James, in Bachlay, brewer, 261  
 Murdo, John, in Tarlair, weaver, 237  
 Mureson, Edward, in Melross, weaver, 237  
 Murray, John, 244  
 — John, in Inschcoursie, taylor, 244  
 — Lord John, *see* Atholl, Duke of  
 — Lady Mary, wife of James, Lord Deskford, 381  
 — Thomas, 236, 379  
 — Lt.-Col. William, 187, 188  
 — William, portioner of Drumquhir-riche, 35  
 Nairn, Thomas, of Morinsh, on valuation roll, 279  
 Narva, siege of, 128  
 Navie and Tombea, on valuation roll, 278  
 Neil, Patrick, on valuation roll, 279  
 Neill, John, lands held by, 92  
 — John, in Grange Parish, 51  
 Netherdale, Gregories of, 23  
 Netherdales, Laird of, 351  
 Newbyth, Bairds of, 5  
 — Lord (Sir John Baird), 5, 6  
 New Mill, Burgh of Barony, 213; tax paid by, 215  
 New Park (Newtoun of Park), 213; payment to tax roll of Royal Burghs, 215; road to, 339, 340, 345  
 Niellson, George, servitor to Earl of Seafield, 135  
 Northfield, Keith of, 47  
 — Laird of, 350, 351  
 Nuckoll, Alexander, in Bades, weaver, 237  
 — John, in Protstoun, shoemaker, 237  
 — John, in Protstoun, weaver, 237  
 Oaths of Allegiance and Assurance, taken by Commissioners of Supply and Justices of the Peace, 229, 233, 234, 235  
 Ochiltree, Lord, 38  
 Ogilvie (Ogilvie, Ogilvie)  
 Ogilvie, —, Major, 148  
 — —, of Cantley, 149, 160  
 — —, of Kempcairne, 11  
 — —, yr., of Kempcairn, 149, 159  
 — Captain Alexander, son of Lord Forglen, 334  
 — Sir Alexander, *see* Banff, Lord (7th Lord)  
 — Sir Alexander, of Forglen, *see* Forglen, Lord  
 — Alexander, of Kempcairn, 11, 12, 145  
 — Alexander II., of Kempcairn, 11  
 — Alexander, yr., of Kempcairn, 12, 89  
 — Mrs. Anna, sister of Alexander, of Kempcairn, 12  
 — Archibald, of Rothiemay, 298  
 — Mr. Archibald, of Rothiemay, 297, 340, 342, 344, 345, 347, 355, 364  
 — Lord Charles, 100  
 — Christian, wife of Sir James Baird, V., of Auchmedden, 5  
 — Lord David, 146  
 — Elizabeth, sister of Alexander, of Kempcairn, 11  
 — Elizabeth, wife of Henry Urquhart, 16  
 — Frederick, chamberlain to Lord Deskford, 143  
 — George, *see* Banff, Lord  
 — George, brother of Alexander, of Kempcairn, 11  
 — Sir George, of Carnousie, 61  
 — Sir George, of Dunlugus, 16  
 — James, *see* Deskford, Lord  
 — James, 55, 294; on valuation roll, 276  
 — James, Baillie, 402  
 — James, Collector, money deficit and liability of his cautioners, correspondence anent, 155 *et seq.*, 289  
 — James, merchant, in Edinburgh, 22  
 — James, of Baldavie (Poldavie), 111, 126, 148, 159, 162, 329, 387; lands held by, 91, 115; on valuation roll, 272  
 — James, of Boyne, letter from, to William Lorimer, 308; call to Jacobites to rally at Gallowhill, 312  
 — James, of Boyne, yr., elected Commissioner of the Shire, 110 *et seq.*, 111; lands held by, 116, 117, 121, 122, 123, 124, 235, 238, 258, 259, 260, 268, 281, 289, 301; opposes Union, takes part in Jacobite intrigues, 123, 137; his estates in Earl of Seafield's hands, 123

- Ogilvie, Sir James, yr., of Boyne, 107  
 — James, of Logie, 236, 258, 282, 286, 292, 359  
 — James, of Melrose, 371, 378  
 — James, of Netherdale, 148  
 — Captain James, of Netherdale, 72  
 — James, in Newtown, 236, 249  
 — James, in Newtown, constable, 227  
 — James, of Poldavid, 258  
 — James, of Rothiemay, 360  
 — Sir James, son of 3rd Earl of Findlater, Sheriff-Principal of Banffshire, later Earl of Seafield; elected Commissioner for Cullen, 70, 71; position in Banffshire and at Court of William III., 79; influence and power, 93; interest in local affairs, 94; designed "of Churchill," 94, 162, 164, 165; expenses as Commissioner, 94; Member of Parliament for Cullen, 94; Solicitor in Scotland, 95, 100; Warrants for his Commission as Sheriff-Principal of Banffshire, 95 *sq.*; Seafield estates built up, and barony of Ogilvie redeemed by, 100; on valuation roll, 271  
 — Sir James, *see* also Seafield, Earl of  
 — John, 55; on valuation roll, 279  
 — John, Baillie of the Regality of Ogilvie, 367, 368, 369, 370, 374, 377, 416  
 — John, Collector of Customs, Inverness, 220  
 — John, creditor of Earl Findlater, 100  
 — John, Ensign, 189  
 — John, of Cantlie, lands held by, 92; on valuation roll, 280  
 — John, of Kempcairn, 100, 146, 149, 159, 162, 259, 325, 339, 340, 344; lands held by, 91; on valuation roll, 274  
 — John, of Kempcairn, elder, 11, 12  
 — John, of Kempcairn, younger, 12, 143, 144  
 — John, of Kincardine, 281, 332  
 — John, of Milton (Milnetoun), 18, 148  
 — Katherine, wife of Sir John Gordon of Park, 9  
 — Mrs. Margaret, sister of Alexander, of Kempcairn, 11  
 — Mary, of Milltoun, Keith, wife of Charles, Lord Ogilvie, 87  
 — Lady Mary, wife of ——— Leslie, 184  
 — Patrick, 280  
 — Patrick, brother of Earl of Seafield, 6  
 Ogilvie, Patrick, of Halyards, on valuation roll, 276  
 — Patrick, of Murie, 22  
 — Mr. Patrick, of Pittenbrinning, 162  
 — Sir Patrick, of Boyne (later Lord Boyne), election as Commissioner of the Shire, 47, 53, 58, 100, 111, 117, 121, 126, 146, 148, 154, 159, 162, 181, 182, 188; Justice of the Peace, 60; lands held by, 91, 115; seat as Commissioner for the Shire declared vacant for non-attendance, 98; his estates acquired by Earl of Seafield, 128  
 — Robert, son of Alexander, of Kempcairn, 89  
 — Thomas, 13  
 — Thomas, in Bogtoun, 148, 159  
 — Thomas, Provost of Banff, Chamberlain to Earl of Airlie, 146, 149, 151  
 — Walter, of Ardoch, 347  
 — Walter, of Badenspink, 359, 364, 369, 370, 374, 411, 416  
 — Walter, of Baldavie, 143, 144, 379  
 — Walter, of Boyne, 5, 34, 145; political activities, 20; lands owned by, 21, 22  
 — Walter, of Culphin, 360  
 — Walter, of Dunlugus, 16  
 — Major Walter, of Raggell, 143, 144, 147  
 — Walter, of Reidhyth (of Bankhead), 32; benefactions, 33; lands held by, 33, 34  
 — Sir Walter, of Findlater, *see* Deskford, Lord  
 — William, on valuation roll, 272  
 — William, Baillie of the Regality of Strathisla, 369  
 — William, merchant, in Banff, 392  
 — William, of Bachlaw, 338 *and note*  
 — William, yr., of Bachlaw, 46  
 Ogilvies of Airlie, 5  
 — of Boyne, 5  
 Old Chevalier, The, 129, 137  
 Oliphant, Lord, 75, 126, 148; lands held by, 63, 128; on valuation roll, 272, 275  
 — Charles, his imprisonment and liberation, 86, 89; lands held by, 91  
 — Patrick, 87  
 — William, 88  
 Ord, John, 249  
 — John, servant, 246  
 — John, of Findochty, Bailie of Cullen, 153 *and note*, 163, 362, 369, 412

- Ord, John, of Findochty, 338 *and note*  
 — William, 344  
 — William, of Findochty, 125 *and note*, 301; on valuation roll, 270  
 — William, of Findochtie, Baillie of Cullen, 282, 412  
 — William, in Kirktown of Deskford, 347  
 Ordewhill (Ordequhil) Parish, 338, 418  
 Ordinhuffes, 11  
 Orleans, Duke of, Regent of France, 305  
 Oswald, Mr., general receiver, 162  
 — Sir James, farmer of the Poll tax, 202, 207, 208, 209, 210  
 Oxford, Earl of, Robert Harley, 131
- P., J., 306  
 Palmer, Henry, of Ailhoucroft, on valuation roll, 275  
 Parish constables, appointment of, 408  
 Parishes and parish overseers, 338  
 Park, Gordons of, 8, 101; their Orange sympathies, 88  
 — Lady, elder, 148  
 — Laird of, 13, 48, 54, 55, 75, 188; lands owned by, 7, 9, 63  
 Paterson, Alexander, in Thorneybank, 321  
 — James, collector, 215  
 — Robert, Principal of Marischal College, 295  
 — William, of Orran, on valuation roll, 270  
 Path-head Bridge, 356, 362  
 Patton, George, 177  
 Peacock (Pecock), Mr. George, regent in Marischal College, 295, *and note*, 331  
 Perth, Earl of, James, Lord Chancellor, 62, 173  
 Peter the Great, Czar of Russia, 128  
 Petrie, James, in Inchdruer, constable, 408  
 Pettendreich, William, in Corskellie, 242  
 Petterden, 340, 342, 362  
 Philip V. of Spain (Duke of Anjou), 109  
 Philorth, Laird of, 148  
 — Laird of, younger, 147  
 Philp, John, Deputy Auditor of Exchequer, 292, 298, 315, *and note*, 320; letter from, to Lorimer, William, 305  
 — Findlater, Earl of, 319  
 — John, servant to Garden of Troup, 376  
 — John, shoemaker in Seatown of Cullen, 237  
 — John, tayleur in Alvach, 237  
 Phin, Alexander, of Nether Achanasie, on valuation roll, 275  
 Phin, James, on valuation roll, 276  
 Piper, John, in Oldtown of Melrose, constable, 409  
 Pitlurg, Laird of, 148  
 Pittendreich, Laird of, 351  
 Pittrifinie parish (? Bottriphnie), 338  
 Plummer, Gavin, General Receiver, 291, 292, 325  
 Pluscarden, Laird of, lands held by, 32  
 P'ocock, Bishop, on linen manufacture in Banff, 406  
 Poll tax, graduated, in Scotland, 146; districts of Banffshire for collection, 200; history of its imposition and incidence, 200, *et seq.*; penalties on deficients and on negligent collectors, 202; poll lists of 1698, 212, 222; action by tacksman of, for quadruple, 225  
 Pollock, Laird of, 262  
 Polwarth, Lord, Patrick, Chancellor, 103  
 Porter, George, shoemaker in Fortrie, 237  
 Portsoy, unfree traders, and quartering in, 195; burgh of barony, 213; tax paid by, 215; roads to, 339, 340, 380, 391, 392, 393; neglect of roads, 345, 372  
 Postal service, 248, 253, 254; Act of Parliament, establishing general post for Scotland, 402; Banff to Elgin, arrangement for current news, 310; Banff to Keith, Edinburgh and elsewhere, 222, 226; extra post from Banff to Aberdeen, 293  
 Prendergrass, Colonel, Irishman, 129  
 Prices, fees and wages, 241-247  
 Priest, William, shoemaker in Ratanach, 244  
 Pringle, James, weaver in Middletown, 237  
 — Robert, Under-Secretary for Scotland, letter from *quoted*, 104  
 — William, weaver in Reidloup, 237  
 Prisoners, provision for cost of transport of, 55  
 Proctor, Mr., 388, 389  
 Quartering on the shire, letters anent, 190-192, 198  
 Queensberry, Duke of, James, Lord Privy Seal, 68, 103  
 Quoir, the, 31, 341  
 Rae, Isobel, wife of David Cruickshank of Balnoon, 23  
 Raffan Parish valuation roll, 270, 338, 368, 370  
 Raggall, Laird of, 329

- Rainey, George, in Crana, 391  
 Raith, Laird of, 170  
 Ramsay, Lt.-Gen. George, cess imposed to pay arrears due to, 284  
   — James, in Melrose, 32  
   — James, schoolmaster, 420  
   — Mrs. Jean, widow of Lt.-Gen. Geo. Ramsay, cess due to, 284, 285, 287  
   — John, of Laithers (Lathers), 111; lands held by, 115, 238, 258, 259  
   — John, of Melrose, 47, 64; 162; lands held by, 32, 92; on valuation roll, 274  
   — Margaret, of Melrose, wife of Patrick Leslie, 184, 296  
 Ranald, Dun., 96  
 Ranie, Abraham, weaver, in Melrose, 327  
   — George, brewer, in Cranno, 256  
 Rannas, Hays of, 30, 65, 348  
   — Laird of, lands held by, 64  
 Rathven (Ratvein), Burgh of Barony, 214; payment to tax roll of Royal Burghs, 215  
   — Parish, 418  
   — Parson of, 32, 64, 93  
   — John, soldier, 68  
 Rattanach (Ratanach) Bridge, 355, 360, 370  
 Rattray, Cummings of, 33  
 Real Estate, method of conveying before Entail Act of 1685, 20  
 Recruiting Methods, 402  
 Regality, definition of, 248  
 Reid, Sir Alexander, 363, 364  
   — Sir Alexander, of Barra, M.P. for Elgin Burghs, 352, 369, 371, 411, 413  
   — Alexander, of Barra, younger, 299  
   — Alexander, of Bogs, on valuation roll, 270  
   — George, in Broom of Findlater, constable, 408  
   — George, in Smiddietoun, weaver, 327  
   — James, factor to Garden of Troup, 374  
   — James, younger of Barra, 371  
   — Mr. James, at St. Fergus, 418  
   — John, in Mill of Durn, constable, 409  
   — John, in Rattnodie, weaver, 244  
   — Patrick, Collector of Excise, 257, 258  
 Reidhythe, Ogilvie of, 33  
 Retanach, *see* Rattanach  
 Revolution, The (1688), preparations and events in Banffshire, 61 *et seq.*, 67 *seq.*; county government of Banffshire during, 75  
 Rhind, Alexander, mason, 363  
 Riach, John, in Tamachlaggan, 420  
 Ribra Bridge, 352, 360  
 Ritchie, John, in Turtrie, brewer, 256  
   — William, in Turtrie, 250  
 Roads and Bridges, statute law for their management and maintenance, 56; entries anent in minute books, 58, 59; assessment for, collected by Commissioners of Supply, 151; road administration, 1710-1760, statute labour, introduction of wheeled traffic, 329, 330; code of road management, 335-337; road rate imposed (1722), 337; parish overseers appointed, 338; main lines of roads, 339; bridges thereon, 340, 341 *et seq.*; parish overseers discontinued, 342; general overseer appointed, 344; statute labour, resistance to, 345, 346; applicant for public money, for bridge building, to uphold bridge for 20 years, 359; encroachments on public roads, 363, 367, 371; highway money discontinued owing to poverty after the '45, 376, 377, 380; Banffshire roads in 1746—journal of an English medical officer, *quoted*, 378; highway money imposed, 379, 381; main lines of roads in Banffshire, 380; soldiers hired for road making, 383; Rogue money devoted to roads, 383, 384 *et seq.*; efforts to reduce expense of road making, 387; Highway money and Rogue money in 1760, 393, 394; roads and road makers, 1751-1760, 394 *et seq.*; parochial system adopted, and given up, 395; *see* also names of bridges, and under names of towns  
 Robertson, George, in Ribra, 338, 360  
   — John, 403  
   — Thomas, in Scotstown, constable, 409  
   — William, in Boarstone, brewer, 255  
   — William, of Newsead, 146  
 Rolieson, George, in Bankanentim, constable, 409  
 Rogue money, uses of, 403; annual amount, 408; re-imposed, 415  
 Roll of Barons and Freeholders, 6  
 Rosebery, Earl of, travels in a cart, 125  
 Ross, Helen, 44  
   — James, of Allanbuie, 44  
   — James, in Fortrie, constable, 228

- Ross, James, servitor to Earl of Seafield, 135  
 — Jean, wife of Mr. Alex. Gregorie, 23  
 — John, of Allanbuy, out in the '15, 322  
 — John, of Curidoun, on valuation roll, 270
- Rothemey, *see* Rothiemay
- Rothes, Earl of, John, 9th Earl, 260  
 — Earls of, 34
- Rothiemay (Rothemey), Barony of, 15;  
 Burgh of Barony, 213; payment to tax roll of Royal Burghs, 215; Parish, 418; fees, wages, and prices in, 242-244; valuation roll of, 271, 338, 347; roads to Portsoy, 380; Banff, 384; Milne of Strathisla and Keith, 385  
 — Gordon of, 101  
 — Gordons of, Orange sympathies, 88  
 — House, 379  
 — Laird of, lands held by, 7, 8, 13, 63  
 — Tutor of, 188
- Roxburgh, Duke of, John, Secretary of State for Scotland, 118, 401
- Roy, John, in Auchinhandock, 17  
 — Patrick, 17, 18; town of Keith seized by, 43
- Royal Burghs, their trade privileges, compromise with other burghs, 195, 215; prisons to be provided and maintained by, 401
- Ruddiman (Rudieman), John, in Boig of Monblair, constable, 409  
 — Thomas, at Mill of Crombie, brewer, 256
- Ruddoch, Adam, on valuation roll, 279  
 — David, of Fortrie, on valuation roll, 279  
 — George, on valuation roll, 271  
 — Janet, in Inchcorsie, 243  
 — John, lands held by, 92  
 — John, elder, in Achincrive, 243  
 — John, yr., in Achincrive, 243  
 — John, of Burnside, 51; lands held by, 92  
 — John, of Fortrie, 51  
 — John, of Mudhall, on valuation roll, 279  
 — Margaret, on valuation roll, 279  
 — William, lands held by, 92  
 — William, in Rattanach, 243
- Russell, Alexander, of Montcoffer, 316, 379, 380, 381  
 — Helen, 251  
 — Peter, of Inverchunie, on valuation roll, 276  
 — Peter, of Montcoffer (Moncoffer), 64, 111, 258, 286; lands held by, 92
- Rutherford, Robert, General Receiver's factor, 240
- Ryland, Laird of, lands owned by, 7
- Ryswick, peace and treaty of, 103, 104, 106, 108, 192
- St. Fergus, bridge at, 332, 374  
 St. Fergus and Fetterangus parish, 338, 418  
 St. Germain's, Stuart Court at, 79  
 Salmon cruives, regulations anent, 60  
 Saltoun, Master of, lands held by, 63, 146  
 Sanders, —, Baillie, 58  
 — Peter, 174  
 — Robert, of Cluny, on valuation roll, 272  
 — Robert, of Stonielay, on valuation roll, 276
- Saughtonhall, Bairs of, 5
- Schoolmasters, parochial, method of appointment and salaries, 399
- Scots Parliament, Commissioners to, 1, 3, 10
- Scotsmilne bridge, 340
- Scott, —, Mr., of Preston, 210, 211, 212  
 — Andrew, in Parrock, weaver, 244
- Seafield, Countess (Anna Ogilvie), her letters, *quoted*, 124, 125, 211, 212  
 — 1st Earl of (Sir James Ogilvie, 4th Earl of Findlater, Lord High Chancellor of Scotland), 6, 119, 120, 121, 125, 128, 135, 139, 165, 166, 187, 198, 208, 209, 210, 258, 287, 295, 296, 331, 332, 333, 348, 349, 372, 373, 395  
 — Joint Secretary of State for Scotland, 102, 103; Sole Secretary and Lord President, 104; created Viscount Seafield, 104; Earl of Seafield, 108; efforts to settle Darien affair, 107; Commissioner to General Assembly of Church of Scotland, 107; Secretary of State and Sheriff of Banffshire under Queen Anne, 110, 118; Chancellor of Scotland, 117, 118; Chief Baron of Exchequer in Scotland, and Lord High Chancellor of Scotland, 126; succeeds his father as Earl of Findlater, 127; votes for dissolution of the Union, is dropped from list of representative peers, 131  
 — Earl of, attempts to strengthen his father's affairs, 152; letters thereanent, 156, 157; letters from, to Earl of Findlater, 156, 157, 161, 201
- Seaforth, Earl of, 312
- Seaton, William, of Todlaw, 31

- Seivewright, William, in Parrack, 243
- Servants, fees, meetings of Commissioners of three districts of the shire, 222, 226; regulation of, by Justices of the Peace, 226; penalties for contravening regulations anent, 234, 242, 243; re-engagement, regulation anent, 246; gratuities to, illegal, 246; measures against idle persons lying out of service, 248-251; to engage for one year, 251; fleeing to another shire, 252
- Shand, —, Provost of Banff, 356, 357  
— Alexander, in Bogtown, 34
- Sharp, Alexander, in Inchcorsie, weaver, 244  
— James, Archbishop of St. Andrews, 5, 35  
— Robert, in Inshcorsie, 243  
— Robert, Sheriff Clerk of Banffshire, brother of Archbishop Sharp, 5
- Shaw, Donald, 295
- Shawfield riots in Glasgow, 404
- Shearers' fees, 246
- Shepherd, James, in Craibston, 181  
— John, of Midskeith, 21
- Sheriff, office and remuneration of, 3; Sir John Skene on, 3
- Sheriffmuir, battle of (1715), 129, 310, 311
- Shie, Andrew, in Cornkairne, brewer, 261
- Shirren, Janet, 249  
— Mary, 250
- Shoes, prices for making in 1700, 219; in 1702, 325; tanning of leather, 246; annual fair for prices, 247
- Sibbald, Helen, wife of Sir John Gordon of Park, 15  
— Mr. James, minister of Keith, 312, *and note*, 313  
— Sir James, of Ramkiller, 15
- Sim (Sime), *see* Syme
- Simpson, Alexander, in Myreside, brewer, 256  
— James, in Blairshinach, constable, 227
- Simson, —, Mr., 157
- Sinclair, George, of Haddomill, on valuation roll, 273
- Skaikells, Janet, 45
- Skene, Sir John, on sheriffs, 3
- Skinner (Skiner), Mr. James, in Thripland (Thriepland?), 22  
— Mr. John, minister at Keith, *quoted*, 309, 310
- Skirdustan Parish, 418; valuation roll of, 279, 338, 390, 392
- Slorach, John, in Auchincleish, shoemaker, 244
- Smart, Alexander, of Reidhill, on valuation roll, 271
- Smiddyboyn Bridge, 340
- Smith, Isobel, in Achingoule, 251  
— James, weaver in Cushnie, 237  
— Mr. John, schoolmaster, 418, 419  
— Patrick (Peter), in Achinbedie, 236, 249, 250, 251  
— Patrick, in Lichnet, renunciation of Mains of Lichnet, 105  
— William, soldier, 68  
— William, weaver, 236
- Smout, Janet, 249, 250
- Smuggling, 404, 406, 407
- Spalding, John, *cited*, 4
- Spanish Succession, War of the, 109; vote to meet expenditure on, 232
- Spence, John, in Seatown of Cullen, brewer, 258  
— William, in Haddo, 250
- Spey river, 351, 365, 366, 378, 388
- Stair, Master of, *see* Dalrymple, Sir John
- Stanhope, James, Secretary of State, letter from, to Earl of Findlater, 307
- Steinson, —, Dr., post from Banff to Aberdeen, his salary, 265, 266, 281, 285, 286  
— George, in Sandehills, brewer, 255
- Steuart, Alexander, of Lesmurdie, yr., 26  
— —, of Achorachan, 259  
— —, of Tannachy, 124, 301  
— David, of Milnetoun, 282  
— George, Sheriff-Depute, 13, 31  
— James, of Coltness, Lord Advocate of Scotland, 170; letter to Sheriff-Depute, 171, 260  
— James, 249, 282  
— Janet, wife of Robert Grant in Auchbreck, 25  
— Katherine, wife of John Forbes of Invernatie, 26  
— Patrick, 8, 13  
— *see* Stuart  
— Walter, of Bog, 72, 147, 148, 159
- Stevenson (Steinson), John, on valuation roll, 275  
— Margaret, 236  
— William, in Ffortrie, weaver, 237
- Stewart, of Drummin, on valuation roll, 278  
— —, of Kilmachlie, 162  
— —, of Lesmurdie, younger, 351, 364  
— Alexander, of Achorachan, 111; lands held by, 115  
— Alexander, of Lesmurdie, lands held by, 91; on valuation roll, 277; 338, *and note*, 342, 344, 351, 364, 366, 369, 370, 408, 410, 411, 413

- Stewart, Alexander, of Sackach, on valuation roll, 277
- Andrew, of Auchluncart, out in the '15, 322
  - David, Collector of Excise, 289
  - George, Chamberlain of Boyne, 143
  - George, Collector, 311
  - George, of Boag (Bog), 132, 136
  - George, of Rosieburn, 236, 248, 284, 329
  - James, *see* Moray, Earl of
  - James, at Boat of Spey, lands held by, 93
  - James, of Auchorachan, 25, 26, 39, 126
  - James, of Dallachie, constable, 283
  - James, of Monblettoune, 143
  - Janet, wife of Robert Grant of Tombreckachie, 26
  - John, of E. Boggs, on valuation roll, 270
  - John, of Kinmachlen, lands held by, 91, 115; 93, 111, 113, 126, 258
  - John, of Kinmachlen, younger, 98
  - John, of Oxhill, 270
  - John, Supervisor of Excise, 321
  - Patrick, M.P. for Banff, 5
  - Patrick, of Brydachmylne (Mill of Brydack), 143, 144
  - Patrick, of Tannachie, lands held by, 92, 149, 160, 188, 258, 282; on valuation roll, 270
  - Peter, of Myretown, on valuation roll, 279
  - Robert, Provost of Banff, 316, 317, 321, 324, 325, 337, 338, 339, 401, 402
  - Thomas, of Byland, 143, 144
  - Walter, of Itlaw (Outlaw), lands held by, 91, 98; on valuation roll, 276
  - Walter, Provost of Banff, Commissioner to Convention of Scottish Estates, 55, 71, 108
- Strachan, Alexander, in Findon (ffinnon), constable, 409
- Alexander, of Lesmurdie, 25
  - Elizabeth, wife of James Steuart of Achorachan and of Lesmurdie, 25, 26
  - George, shoemaker in Pitgair, 237; on valuation roll, 276
  - Helen, portioner of Lesmurdie, 25
  - Helen, wife of John Innes, yr., of Edingight, 46
  - Isobel, portioner of Lesmurdie, 25
  - Jean, portioner of Lesmurdie, 25
  - John, on valuation roll, 276; at Burnmouth, constable, 409
- Strachan, Margaret, portioner of Lesmurdie, 25
- Robert, in Findon, brewer, 224
  - William, brewer, 225
  - William, in Buchraigie, constable, 408
- Stradoun, Jacobite feeling in, 88, 89
- Baron, Baillie of, 395
- Straloch and Gartly Parish, 338, 418
- Strathbogie, road to Banff, 352; to Portsoy, 379, 392, 393; presbytery of, 398
- Baron, Baillie of, 395
- Strathilay, lands and barony of, 11
- Strathnaver, Lord, his regiment, 121, 125, 185
- Straton, Robert, on valuation roll, 274
- Stronach, Alexander, Notary Public, 414
- Stuart (Steuart, Stewart)
- Alexander, in Nether Dallachie, 419
  - Alexander, 249
  - Francis, yr., of Lesmurdie, 410, 411, 413
  - Helen, brewer in Cullen, 260
  - Helen, wife of Robert Lumsden in Cullen, 257
  - James, Whitehill, brewer, 255
  - James, Reidhythe, 220
  - James, Achbeggs, 321
  - John, of Drummin, out in the '15, 322
  - John, in Auchinreath, 321
  - Prince Charles Edward, letter from, to Gordon of Aberlour, 352; at Glenfinnan, 372, 373, 416
  - —, Provost, 149, 160
  - Robert, 236
  - Thomas, of Bog, 362, 364, 367, 412, 413
  - Walter, 403
  - William, of Hillockhead, 420
- Supply, Commissioners of, 146 *et seq.*
- Sutherland, —, of Kinminitie, lands held by, 92, 162; on valuation roll, 275
- —, of Tarmor, on valuation roll, 275
  - Alexander, of Kinmintye, 121, 188, 189, 197, 229, 233, 258, 281, 292, 297, 329, 350, 351, 355
  - Alexander, of Kinminity, younger, 282, 355
  - James, of Kinminity, Justice of the Peace, 10, 12, 60
  - Jean, wife of Sir Alexander Abercrombie of Birkenbog, 10
  - Jean, wife of Thomas Grant of Achoynanie and Arndilly, 355



- Sutherland, William, brother of Alexander, Lord Duffus, 13
- Syme (Sim, Sime, Sym)
- —, Baillie, 340, 342
  - George, servitor to Earl Findlater, letter to, from John Andrew, 159
  - James, in Brangand, constable, 283
  - James, in Dunlugus, 227, 236
  - Jean, servant, 296
  - Peter, lands held by, 92
  - Peter, of Poolfald, on valuation roll, 280
  - Mr. Walter, minister of Glass, 398
  - William, Baillie, Depute Collector of Cess, overseer of roads, Sheriff-Depute, 326, 327, 402, 403
- Tarbat, Viscount, *see* Cromarty, Earl of
- Taxation, Excise imposed in 1643 to pay soldiers, 144; Annual Excise voted to the King at the Restoration, 145; quota imposed on Banffshire, 145; based on valued rent of 1667, 145; graduated poll tax in Scotland, 146; Excise tax collected from brewers, 163, 175; land tax from Scotland after the Union, amount of, 284, 288, 289; window money, 289, 291; Michaelmas cess, 1715, and March cess, 1716, 317
- Taylor (Tayleir, Tayleor), John in Itlaw, 236, 249
- John, in Melrose, taylor, 237
  - William, in Newtown of Park, constable, 408
  - William, in Tarlair, taylor, 237
- Ternemny, 347
- Teviot's Dragoons, 120
- Thaine, James, in Woodside, 243
- John, in Mosset, 243
  - Patrick, 403
- Thomson, Adam, harvester, 243
- Andrew, 154
  - John, in Ryland, 249
  - Mr. Thomas, 31
  - William, in Hiltoun, shoemaker, 237
- Thors, Sir David, 156
- Tillery, Laird of (—, Cuthbert), 8
- Tilliedown, 341, 384
- Tillenaught Bridge, 363
- Tod, Alexander, factor to the Duke of Gordon, 392
- Robert, in Dreadlein, weaver, 237
- Tombreakachie, on valuation roll, 278
- Tomintoul, Bond of Association of Jacobites signed at, 88
- Tomnavillian, laird of, 338
- Tomnavoulan, Grants of, 262
- Torex, L. of Park, on valuation roll, 272
- Touch, Patrick, in Mossyde of Kinnairdie, brewer, 256
- Towie, Barclays of, 101, 102
- Lady, of Qualen, on valuation roll, 274
  - lands of, 10
- Townshend, Lord, Secretary, 302; letter to, from Lord Justice Clerk Cockburn, 322
- Trade, exclusive privilege of Royal Burghs, 194; extended to other burghs by Communication of Trade, 195; compromise between royal and other burghs, 195; tax on unfree traders, 196 communication of, 214, *et seq.*; apprentices, regulations anent, 252
- Trot o' Turra, 4
- Trotter, Corporal, 167
- Troup, Garden of, 31
- Laird of, 8, 64, 65, 75, 148, 159, 179, 186, 188, 199, 200
  - lands of, 31
- Tullibardine, Earl of, *see* Atholl, Duke of
- Tullich, Leslie of, 34
- Tulloch, Thomas, of Tannachy, 39
- Turnbull, —, of Standhill, 80, 81
- Turriff, 169
- Turtries, laird of, 351
- Tweeddale, Marquess of, John, Chancellor, 102; letter from, to Sir James Ogilvie, 170
- Tynet Bridge, 367, 368, 379
- Udny, Laird of, 5
- Ugie Bridge, 343, 344, 345
- Union of England and Scotland, 5; Effect of Darien Scheme on, 107; Commissioners appointed to treat, 110; negotiations, 118; effect of execution of Captain Green, 118; Articles of, and interests safeguarded, 123; consummated, 1707, Scots members reduced in number, 123; Act of Security, 264; provision of fire-arms and drill for fencible men, 265; amount of tax imposed, 284
- Urquhart (Wrquhart), Adam, Sheriff of Cromarty, 15
- Alexander, of Dunlugas, 143, 144, 145
  - Alexander, of Fishrie, 15
  - Sir Alexander, of Cromarty, lands held by, 7, 10; knighted (1617), 16, 146

- Urquhart, Sir Alexander, of Dunlugas, Commissioner to Convention of Estates, 1667, 19
- Sir Alexander, of Dunlugas and Muirden (of Cromarty), 15, 16
  - Sir Alexander, of Dunlugas, yr., Justice of the Peace, 60
  - Christian, wife of James, 2nd Viscount Frenndraught, 16, 80 *sq.*
  - Henry, 16
  - James, brewer, 258
  - Jean, wife of Sir Alex. Abercromby of Birkenbog, 10
  - John, of Craigfintry or Craigston, tutor of Cromarty, 15
  - John, of Whythill, on valuation roll, 274
  - Sir John, Commissioner of Banffshire, 16
  - Sir Thomas, of Cromartie, translator of Rabelais, knighted, 1641, 15, 16
  - Walter, 15, 16
- Vagabonds, beggars and sorners, statutes anent, 59, 60; banishment of, appointment of night guard against, 192; rules against harbouring, 193; additional enactments and parochial relief, 193 *sq.*; rules against, and penalties for harbouring, 205 *sq.*; parochial responsibility, 207; tax for maintenance of, 400; charity and hospitality to vagrants made punishable, 400; rate of maintenance of vagabonds, 404
- Valuation of the Shire, rolls, 269-280; splitting of cumulo valuations, 409-411
- Wages, regulation of, by Justices of the Peace, 226; contraveners of regulations, list of, 236; fees and prices, 241-247
- Walker, Alexander, servant, 242
- Elizabeth, in Miltown of Rothiemay, 243
- Wallace, —, Baillie, 296
- Walpole, Horace, *quoted*, 381
- Warrox, Robert, Banff, 418
- Watson, Andrew, of Pethhead, 146
- George, in Whitehills, brewer, 255
- Watt, John, of Lesmurdie, 25
- John, portioner of Lesmurdie, 25
  - Margaret, in Achincrieve, 244
  - William, in Corskellie, 242
- Webster (Wobster), Andrew, 236
- Webster, George, in Kirkton of Forglen, constable, 227, 229, 408, 409
- Janet, in Tullos, 251
  - Robert, on valuation roll, 275
- Westerton (Westertoune), Anderson of, 73
- Laird of, 179, 186, 188, 200
- Westminster Confession, imposed on Professors of Aberdeen University, 78
- Wheelock, —, Captain, 373
- Whitefoord, Mr. Allan, General Receiver of the Land Tax, 416, 417
- Whitehouse Moss, 369
- Wightman, —, General, 302, 315
- Wilkie, James, 301
- William III., King (William of Orange), preparations for invasion of England, 61 *sq.*; landing at Torbay, 68; summons Convention of Estates of Scotland, 76 *et sqq.*; relations with Banffshire Barons, 78 *et sqq.*; recognised as King by Treaty of Ryswick, 103; "Ill years of," 104, 192; opposition to Darien Scheme, 108; joined Grand Alliance against France, 109; loyal addresses to, 109; death (1702), 109, 146
- Williamson, John, in Claymyres, weaver, 244
- Willox, William, in Ferniebrae (ffarniebre) brewer, 224
- Wilson, Alex., "servant to Ardmellie," "delet of cursing the Justices," 241, 244
- Alexander, of Achenderen, on valuation roll, 271
  - Alex., of Littlefield, Commissioner of Supply, 232, 240, 241, 245, 248, 251, 253, 254, 257, 258, 259, 264, 280, 281
  - David, in Gardenhead of Park, constable, 409
  - James, 187
  - James, of Germoch, 51
  - James, Montblairy, 420
  - James, in Newton, constable, 409
- Winchester, Alexander of Stonieley, burgess, 143
- Window money, collection of, 289, 291
- Winton, William, at Kirkton of Alvah, 384, 420
- Wisheart, George, letter to Earl of Findlater, 176
- Wood, Captain James, 309
- James, in Doune, 228, 249
  - James, in Hillside, constable, 408
  - Peter, in Muir of Glassauch, constable, 409

Worcester, battle of, 20  
Wright, Janet, 244  
Wrquhart (Urquhart), *see* Urquhart  
Wyldgoose, James, brewer, 257  
York Building Company, 375

Youngson, George, 251  
— George, in Sandley, 248  
Zeochrie, Gordon of, 16  
— Gordons of, Orange sympathies, 88  
— Laird of, 55









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